

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY APRIL 23, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1599**

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**Introduced by Committee on Education (Assembly Members  
Buchanan (Chair), Olsen (Vice Chair), Chávez, Gonzalez,  
Nazarian, Weber, and Williams)**

February 5, 2014

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An act to amend Sections 5033, 17047, 33540, 35576, 35710.51, 35782, 35783, 35786, 42281, 49558, 51224.5, 52060, 56043, 56366.1, 56440, 60603, 60604, 60607, 60611, 60630, ~~60640~~, 60641, 60643, 60643.6, 60648, and 60810 of, ~~to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of,~~ and to repeal and add Section 56363.5 of, the Education Code, relating to education.

### LEGISLATIVE COUNSEL’S DIGEST

AB 1599, as amended, Committee on Education. Education: omnibus bill.

(1) Existing law sets forth a method for providing special education and related services to pupils with exceptional needs. Existing law requires the allowable new building area for the purpose of providing special day class and Resource Specialist Program facilities for special education pupils to be negotiated and approved by the State Allocation Board, as provided. Existing law prescribes the maximum square footage for those facilities by special day class basic need, including, among

other basic needs, the maximum square footage for mildly mentally retarded and severely mentally retarded special education pupils.

This bill would change references in these provisions from mildly mentally retarded and severely mentally retarded to mildly intellectually disabled and severely intellectually disabled, respectively.

(2) Existing law requires the State Board of Education and the State Department of Education to request the Instructional Quality Commission to review and revise, as necessary, the course requirements in the history-social science framework to ensure that minimum standards for courses in American government and civics include certain matters.

This bill would additionally require the commission, when revising the history-social science framework, to ensure that these course requirements are also included in all history and social science courses and grade levels, as appropriate. The bill would, among other things, also require the commission, whenever the history-social science framework is revised, to receive input from civics learning experts for the purpose of integrating civics learning content, concepts, and skills, at all appropriate grade levels, with the standards established by the state board in core curriculum areas, as specified, and ensure that voter education information is included in the American government and civics curriculum at the high school level, as specified.

(3) Existing law specifies the circumstances under which the State Board of Education or a county committee on school district reorganization may approve proposals or petitions for the reorganization of school districts. After the state board has approved plans and recommendations or a county committee has approved a petition for the unification or other reorganization of school districts, existing law requires the secretary of the state board or the county committee to give notice to a specified county superintendent of schools. Within 35 days of receiving that notification from the state board, existing law provides for the county superintendent of schools to call an election, to be conducted at the next election of any kind, or in the case of a notice from a county committee, at the next regular election, in the territory of the districts as determined by the state board or the county committee.

This bill would instead require a county superintendent of schools, if notified by a county committee, to call the election at next election of any kind, in accordance with specified requirements.

(4) Existing law provides that a school district that has been organized for more than 3 years shall be lapsed, as defined, if certain conditions

occur. Within 30 days after the close of each school year, existing law requires the county committee on school district reorganization to conduct a public hearing to determine if those conditions have been met. After the hearing, existing law requires the county committee to order the territory annexed to one or more adjoining districts, as specified. Existing law provides that an order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the date of the order.

This bill would, among other things, instead require the county committee to conduct the public hearing within 45 days before the close of each school year, and would require the county committee to order the territory annexed after the hearing and at least 30 days before the close of the school year. The bill would, among other things, make the county committee's order effective on the July 1 after the date of the order, as specified. To the extent these changes would impose a higher level of service on local officials, the bill would create a state-mandated local program.

(5) Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. Existing law requires the governing board of a school district and the county superintendent of schools to make applications for free or reduced-price meals available to pupils. Existing law provides that the School Lunch Program application is confidential and would prohibit the information used in the application from being disclosed to any governmental agency, including the federal Immigration and Naturalization Service and the Social Security Administration, or used for any purpose other than enrollment in the CalFresh program. Notwithstanding that restriction, existing law authorizes a public officer or agency to allow the use by certain school district employees of records pertaining to pupil participation in any free or reduced-price meal program solely for the purpose of, among other things, the disaggregation of academic data.

This bill would, among other things, additionally authorize the release of eligibility information on enrolled pupils participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining funding allocations under the local control funding formula and for assessing the accountability of that funding, as provided.

(6) Existing law requires the adopted course of study for grades 7 to 12, inclusive, to include courses in mathematics, including algebra. Existing law requires a pupil to complete 2 courses in mathematics in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school, and provides that at least one of these courses, or a combination of the 2 courses, shall meet or exceed the rigor of the content standards for Algebra I, as adopted by the State Board of Education. Existing law exempts a pupil in grades 9 to 12, inclusive, from the requirement that he or she complete a course that meets or exceeds the rigor of the content standards for Algebra I, as adopted by the state board, if that pupil, before enrolling in grade 9, completes coursework in algebra that meets or exceeds the rigor of the content standards for Algebra I, as adopted by the state board.

This bill would delete the requirement that at least one of the mathematics courses, or a combination of 2 of the mathematics courses, required for graduation shall meet or exceed the rigor of the content standards for Algebra I. The bill would instead require, before a pupil receives a diploma of graduation from high school, that a pupil complete a course in Algebra I or Mathematics I, or a course of equal rigor, that is aligned to the content standards adopted by the state board. The bill would provide that a pupil who completes coursework in algebra before the 2016–17 school year that meets or exceeds the content standards for Algebra I adopted by the state board shall be deemed to have satisfied the Algebra I or Mathematics I graduation requirement. The bill would also exempt from the Algebra I or Mathematics I graduation requirement those pupils who completed a course in Algebra I or Mathematics I, or a course of equal rigor, that is aligned to content standards adopted by the state board, before enrollment in grade 9.

~~(6)~~

(7) Existing law requires that every individual with exceptional needs, as defined, who is eligible to receive special education instruction and related services be provided with that instruction and those services at no cost to his or her parent or guardian or, as appropriate, to him or her. A free appropriate public education is required to be made available to individuals with exceptional needs in accordance with specified federal regulations adopted pursuant to the federal Individuals with Disabilities Education Act. Existing law authorizes local educational agencies to seek, either directly or through the pupil's parents or guardians, reimbursement from insurance companies to cover the costs of related services, in accordance with specified federal regulations.

This bill would delete that authorization and would instead authorize a public agency, if an individuals with exceptional needs is covered by public benefits or insurance, to use Medicaid, other public benefits, or insurance programs in which a pupil participates to provide or pay for certain services required by law if the agency provides written notification to the pupil's parents and obtains written parental consent, as provided.

(7)

(8) Existing law sets forth a method for providing special education and related services to pupils with exceptional needs. Existing law also permits, under certain circumstances, contracts to be entered for the provision of those services by nonpublic, nonsectarian schools or agencies, as defined. Existing law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified by the Superintendent of Public Instruction as meeting specified standards. Existing law also requires the nonpublic, nonsectarian school or agency that is applying for certification to submit, on a form developed by the State Department of Education, a signed verification by local educational agency representatives that they have been notified of the intent to certify or renew certification. Existing law requires the department to mail renewal application materials to certified nonpublic, nonsectarian schools and agencies at least 120 days before the expiration date of their current certification.

This bill would require the local educational agency to send the applicant an acknowledgment, rather than a signed verification, as specified. The bill would delete the provision requiring the department to mail renewal application materials, and instead require the department to provide electronic notification of the availability of these materials to certified nonpublic, nonsectarian schools and agencies at least 120 days before the date their current certification expires.

(8)

(9) Existing law establishes the Measurement of Academic Performance and Progress (MAPP), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils. Existing law specifies numerous policies and procedures with respect to the development and the implementation of the MAPP by the Superintendent of Public Instruction, the State Board of Education, and affected local educational agencies. *Legislation pending in the*

*2013–14 Regular Session would change the name of the MAPP to the California Assessment of Student Performance and Progress (CAASPP).*

~~This bill would change the name of the references to MAPP to the California Assessment of Student Performance and Progress (CAASPP), and would make conforming changes. CAASPP in certain provisions.~~

~~(9)~~

(10) Existing law requires the Superintendent of Public Instruction to review existing tests that assess the English language development of pupils whose primary language is a language other than English. Existing law requires pupils in kindergarten and first grade to be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. Existing law requires an early literacy assessment to be administered for a period of 4 years beginning after the initial administration of the assessment or until July 1, 2014, whichever occurs first.

This bill would instead require this early literacy assessment to be administered for a period of 4 years beginning after the initial administration of the assessment or until July 1, 2017, whichever occurs last.

~~(10)~~

(11) This bill also would make various nonsubstantive changes, delete obsolete provisions, and update cross-references.

~~(11)~~

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5033 of the Education Code is amended
- 2 to read:
- 3 5033. A member of the governing board of a district wholly
- 4 or partially included in a unified school district formed under the
- 5 provisions of Chapter 4 (commencing with Section 35700) of Part

21 of Division 3 of Title 2 shall not be a member of the governing board of the unified school district unless elected to that governing board.

SEC. 2. Section 17047 of the Education Code is amended to read:

17047. (a) The allowable new building area for the purpose of providing special day class and Resource Specialist Program facilities for special education pupils shall be negotiated and approved by the board, with any necessary assistance to be provided by the Special Education Division of the State Department of Education. The square footage allowances shall be computed within the maximum square footage set forth in the following schedule:

Special Day Class Basic Need	Grade Levels	Load- ing*	Square Footage
Nonsevere Disability —Specific Learning Disability	All	12	1080
—Mildly Intellectually Disabled	All	12	1080
—Severe Disorder of Language	All	10	1080
Severe Disability —Deaf and Hard of Hearing	All	10	1080
—Visually Impaired	All	10	1330 (1080 + 250 storage)
—Orthopedically and Other Health Im- paired	All	12	2000 (1080 + 400 toilets + 250 storage + 270 daily living skills + 3000 therapy + 750 therapy per additional classroom)
—Autistic	All	6	1160 (1080 + 80 toilets)
—Severely Emotion- ally Disturbed	All	6	1160 (1080 + 80 toilets)
—Severely Intellectually Disabled	Elem.	12	1750 (1080 + 400 toilets + 270 daily living skills)

1		Secon.		2150 (1080 + 400 toilets + 270
2				daily living skills + 400
3				vocational)
4	—Developmentally			
5	Disabled	All	10	2000 (1080 + 400 toilets + 250
6				storage + 270 daily living skills
7				+ 3000 therapy** + 750 therapy
8				per additional CR)
9	—Deaf-Blind/Multi	All	5	1400 (1080 + 200 storage + 150
10				toilets)

11						
12					Square	
13				Pupils	Feet	
14	Resource Specialist Program	All Maximum caseload		1–8	240	
15	for those pupils with disabling	for RS is 28, not all		9–28	480	
16	conditions whose needs have	served at same time.		29–37	720	
17	been identified by the			38–56	960	
18	Individualized Education			57–65	1200	
19	Program (IEP) Team, who			66–85	1440	
20	require special education for a			86–94	1680	
21	portion of the day, and who are			95–112	1920	
22	assigned to a regular classroom					
23	for a majority of the					
24	school day.***					

25

26 \* Special pupils may usually be grouped without

27 accordance to type, especially in smaller districts or

28 where attendance zones may indicate, to maximize

29 loadings per classroom where there are children with

30 similar educational needs (Sec. 56364 or 56364.2, as

31 applicable).

32

33 \*\* Therapy add-ons not to be provided if on same site

34 as orthopedically impaired.

35

36 \*\*\* To a maximum of 4 percent of the unhoused

37 average daily attendance of the district, per new school

38 or addition, to a maximum of 1920 square feet.

39



1 (b) The allowable new building area shall be computed by  
2 dividing the number of eligible pupils by the minimum required  
3 loading per classroom for special day classes for the type of pupils  
4 to be enrolled. No new or additional facility shall be provided for  
5 special day classes unless the number of additional eligible pupils  
6 equals one-third or more of the minimum required loading.

7 SEC. 3. Section 33540 of the Education Code is amended to  
8 read:

9 33540. (a) The state board and the department shall request  
10 that the commission review and revise, as necessary, the course  
11 requirements in the history-social science framework developed  
12 by the History-Social Science Curriculum Framework and Criteria  
13 Committee of the state board to ensure that minimum standards  
14 for courses in American government and civics include sufficient  
15 attention to teaching pupils how to interact, in a practical manner,  
16 with state and local governmental agencies and representatives to  
17 solve problems and to petition for changes in laws and procedures,  
18 and that these course requirements are also included in all history  
19 and social science courses and grade levels, as appropriate.

20 (b) Whenever the history-social science framework is revised  
21 as required by law, the commission shall do, as appropriate and  
22 based on the subject matter of the course, all of the following:

23 (1) Receive input from civics learning experts, including civics  
24 education program providers, associations of civics educators, and  
25 organizations dedicated to research on civics learning, for the  
26 purpose of integrating civics learning content, concepts, and skills,  
27 at all appropriate grade levels, with the standards established by  
28 the state board in core curriculum areas, as specified in Sections  
29 60605, as that section read on June 30, 2011, and 60605.8.

30 (2) Consider how civics and history instruction, at all appropriate  
31 grade levels, includes, in addition to the acquisition of content  
32 knowledge, the application of that content to develop the  
33 competence and skills needed for civic engagement.

34 (3) Ensure that voter education information is included in the  
35 American government and civics curriculum at the high school  
36 level, including, but not limited to, information on the importance  
37 of registering to vote in local, state, and federal elections, how to  
38 register to vote, both online and by mail, what the requirements  
39 are to register to vote, how to request an absentee ballot, how to  
40 fill out and return an absentee ballot, what to expect on election

1 day, how to find a polling place, and where and how to access and  
2 understand the voter information pamphlet and other materials to  
3 become an informed voter.

4 (4) Ensure the following historical documents are incorporated  
5 in the framework:

6 (A) The Declaration of Independence.

7 (B) The United States Constitution, including the Bill of Rights.

8 (C) The Federalist Papers.

9 (D) The Emancipation Proclamation.

10 (E) The Gettysburg Address.

11 (F) George Washington's Farewell Address.

12 (5) Consider incorporating the following historical documents  
13 into the framework:

14 (A) The Magna Carta.

15 (B) The Articles of Confederation.

16 (C) The California Constitution.

17 (6) Encourage instruction that promotes an understanding of  
18 the governments of California and the United States of America,  
19 including, but not limited to, the development of democracy and  
20 the history of the development of the United States Constitution.

21 (c) It is the intent of the Legislature, for purposes of only the  
22 history-social science framework that is revised subsequent to the  
23 effective date of the act that amended this section in the second  
24 year of the 2013–14 Regular Session, that the requirements  
25 imposed pursuant to paragraphs (1), (2), and (3) of subdivision (b)  
26 may be satisfied under the framework adoption procedures  
27 currently being utilized by the department as of January 1, 2015.

28 SEC. 4. Section 35576 of the Education Code is amended to  
29 read:

30 35576. (a) If territory is taken from one district and annexed  
31 to, or included in, another district or a new district by any procedure  
32 and the area transferred contains real property, the district to which  
33 the territory is annexed shall take possession of the real property,  
34 pursuant to paragraph (1) of subdivision (a) of Section 35560, on  
35 the day when the annexation becomes effective for all purposes.  
36 The territory transferred shall cease to be liable for the bonded  
37 indebtedness of the district of which it was formerly a part and  
38 shall automatically assume its proportionate share of the  
39 outstanding bonded indebtedness of any district of which it  
40 becomes a part.

1 (b) The acquiring district shall be liable for the greater of the  
2 amounts determined under provisions of paragraphs (1) or (2), or  
3 the amount determined pursuant to a method prescribed under  
4 Section 35738.

5 (1) The proportionate share of the outstanding bonded  
6 indebtedness of the original district, which proportionate share  
7 shall be in the ratio that the total assessed valuation of the  
8 transferring territory bears to the total assessed valuation of the  
9 original district in the year immediately preceding the date on  
10 which the annexation is effective for all purposes. This ratio shall  
11 be used each year until the bonded indebtedness for which the  
12 acquiring district is liable has been repaid.

13 (2) The portion of the outstanding bonded indebtedness of the  
14 original district that was incurred for the acquisition or  
15 improvement of real property, or fixtures located on the real  
16 property, and situated in the territory transferred.

17 (c) The county board of supervisors shall compute for the  
18 reorganized district an annual tax rate for bond interest and  
19 redemption that will include the bond interest and redemption on  
20 the outstanding bonded indebtedness specified in paragraph (1) or  
21 (2) of subdivision (b), or the amount determined pursuant to a  
22 method prescribed under Section 35738. The county board of  
23 supervisors shall also compute tax rates for the annual charge and  
24 use charge prescribed by former Sections 1822.2 and 1825, as they  
25 read on July 1, 1970, when such charges were established before  
26 November 23, 1970. All such tax rates shall be levied in excess  
27 of any other ad valorem property tax authorized or required by  
28 law and shall not be included in the computation of the limitation  
29 specified in subdivision (a) of Section 1 of Article XIII A of the  
30 California Constitution.

31 SEC. 5. Section 35710.51 of the Education Code is amended  
32 to read:

33 35710.51. (a) The county superintendent of schools, within  
34 35 days after receiving the notification provided by Section 35710,  
35 shall call an election, in the manner prescribed in Part 4  
36 (commencing with Section 5000), to be conducted at the next  
37 election of any kind in accordance with either of the following:

38 (1) Section 1002 of the Elections Code and Part 4 (commencing  
39 with Section 5000) of Division 1 of Title 1.

1 (2) Division 4 (commencing with Section 4000) of the Elections  
2 Code.

3 (b) The county superintendent of schools shall call the election  
4 in the territory of districts as determined by the county committee  
5 on school district organization, or, in the case of territory transfers  
6 appealed to the state board pursuant to subdivision (c) of Section  
7 35710.5, as determined by the state board. The county  
8 superintendent of schools shall not issue an order of election until  
9 after the time for an appeal pursuant to subdivision (b) of Section  
10 35710.5 has elapsed.

11 SEC. 6. Section 35782 of the Education Code is amended to  
12 read:

13 35782. Within 45 days before the close of each school year,  
14 the county committee shall conduct a public hearing on the issues  
15 specified in Section 35780. Notice of the public hearing shall be  
16 given at least 10 days in advance of the hearing to each member  
17 of the governing board of the lapsed district immediately before  
18 its lapsation, to each of the governing boards that adjoin the lapsed  
19 district, and to the high school district of which the lapsed  
20 elementary district is a component.

21 SEC. 7. Section 35783 of the Education Code is amended to  
22 read:

23 35783. After the hearing, and at least 30 days before the end  
24 of the school year, the county committee shall order the territory  
25 annexed to one or more adjoining districts as seems to the county  
26 committee to be in the best interest of the adjoining districts and  
27 the residents of the lapsed district.

28 SEC. 8. Section 35786 of the Education Code is amended to  
29 read:

30 35786. An order of a county committee attaching the territory  
31 of a lapsed school district to one or more adjoining school districts  
32 shall be effective for all purposes on the July 1 after date of the  
33 order. Notwithstanding Section 35534, the effective date of the  
34 order is not subject to compliance with Section 54900 of the  
35 Government Code. Compliance with Section 54900 of the  
36 Government Code is required by December 1 of the year in which  
37 the order is made.

38 SEC. 9. Section 42281 of the Education Code is amended to  
39 read:

1 42281. Except as specified in subdivision (d), for each  
2 elementary school district that maintains only one school with a  
3 second principal apportionment average daily attendance of less  
4 than 97, the Superintendent shall make one of the following  
5 computations, whichever provides the lesser amount:

6 (a) For each small school that has an average daily attendance  
7 during the fiscal year of less than 25, exclusive of pupils attending  
8 the 7th and 8th grades of a junior high school, and for which school  
9 at least one teacher was hired full time, the Superintendent shall  
10 compute for the school district fifty-two thousand nine hundred  
11 twenty-five dollars (\$52,925).

12 (b) For each small school that has an average daily attendance  
13 during the fiscal year of 25 or more and less than 49, exclusive of  
14 pupils attending the 7th and 8th grades of a junior high school,  
15 and for which school at least two teachers were hired full time for  
16 more than one-half of the days schools were maintained, the  
17 Superintendent shall compute for the school district one hundred  
18 five thousand eight hundred fifty dollars (\$105,850).

19 (c) For each small school that has an average daily attendance  
20 during the fiscal year of 49 or more but less than 73, exclusive of  
21 pupils attending the 7th and 8th grades of a junior high school,  
22 and for which school three teachers were hired full time for more  
23 than one-half of the days schools were maintained, the  
24 Superintendent shall compute for the school district one hundred  
25 fifty-eight thousand seven hundred seventy-five dollars (\$158,775).

26 (d) For each small school that has an average daily attendance  
27 during the fiscal year of 73 or more and less than 97, exclusive of  
28 pupils attending the 7th and 8th grades of a junior high school,  
29 and for which school four teachers were hired full time for more  
30 than one-half of the days schools were maintained, the  
31 Superintendent shall compute for the school district two hundred  
32 eleven thousand seven hundred dollars (\$211,700). A school district  
33 that qualifies under this subdivision may use this funding  
34 calculation until the local control funding formula allocation  
35 pursuant to Section 42238.02, as implemented by Section 42238.03,  
36 per unit of average daily attendance multiplied by the average daily  
37 attendance produces state aid equal to the small school funding  
38 formula.

39 ~~SEC. 10. Section 49558 of the Education Code is amended to~~  
40 ~~read:~~

~~49558. (a) All applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to free or reduced-price meal eligibility shall be confidential, and may not be open to examination for any purpose not directly connected with the administration of any free or reduced-price meal program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any free or reduced-price meal program.~~

~~(b) Notwithstanding subdivision (a), a public officer or agency may allow school district employees, who are authorized by the governing board of the school district, to disclose from the individual meal records only the pupil's name and school meal eligibility status, solely for purposes of disaggregation of academic achievement data or to identify pupils eligible for public school choice and supplemental educational services pursuant to the federal No Child Left Behind Act of 2001 (P.L. 107-110), if the public agency ensures the following:~~

~~(1) The public agency has adopted a policy that allows for the use of individual records for these purposes.~~

~~(2) No individual indicators of participation in any free or reduced-price meal program are maintained in the permanent record of any pupil, unless otherwise allowed by law.~~

~~(3) No public release of information regarding individual pupil participation in any free or reduced-price meal program is permitted.~~

~~(4) All other confidentiality provisions required by law are met.~~

~~(5) The information collected regarding individual pupils certified to participate in the free or reduced-price meal program is destroyed when it is no longer needed for its intended purpose.~~

~~(c) Notwithstanding subdivision (a), the school districts and county superintendents of schools may release information on the School Lunch Program application to the local agency that determines eligibility under the Medi-Cal program if the child is approved for free meals and if the applicant consents to the sharing of information pursuant to Section 49557.2.~~

~~(d) Notwithstanding subdivision (a), the school districts and county superintendents of schools may release information on the School Lunch Program application to the local agency that determines eligibility under the CalFresh program or to an agency~~

1 ~~that determines eligibility for nutrition assistance programs~~  
2 ~~authorized by Chapter 2 (commencing with Section 210.1) of~~  
3 ~~Subtitle B of Title 7 of the Code of Federal Regulations, if the~~  
4 ~~child is approved for free or reduced-price meals and if the~~  
5 ~~applicant consents to the sharing of information pursuant to Section~~  
6 ~~49557.3.~~

7 ~~(e) Notwithstanding subdivision (a), school districts, charter~~  
8 ~~schools, and county offices of education may release eligibility~~  
9 ~~information on enrolled pupils participating in the free or~~  
10 ~~reduced-price meal program to the Superintendent for purposes~~  
11 ~~of determining funding allocations under the local control funding~~  
12 ~~formula and for assessing the accountability of that funding.~~

13 ~~(f) Information released pursuant to subdivision (c), (d) or (e)~~  
14 ~~shall adhere to all of the following requirements:~~

15 ~~(1) Individual indicators of participation in a free or~~  
16 ~~reduced-price meal program shall not be maintained in the~~  
17 ~~permanent record of any pupil, unless otherwise authorized by~~  
18 ~~law.~~

19 ~~(2) The public release of information regarding individual pupil~~  
20 ~~participation in a free or reduced-price meal program is not~~  
21 ~~permitted.~~

22 ~~(3) All other confidentiality requirements imposed by law or~~  
23 ~~regulation are met.~~

24 *SEC. 10. Section 49558 of the Education Code is amended to*  
25 *read:*

26 49558. (a) All applications and records concerning any  
27 individual made or kept by any public officer or agency in  
28 connection with the administration of any provision of this code  
29 relating to free or reduced-price meal eligibility shall be  
30 confidential, and may not be open to examination for any purpose  
31 not directly connected with the administration of any free or  
32 reduced-price meal program, or any investigation, prosecution, or  
33 criminal or civil proceeding conducted in connection with the  
34 administration of any free or reduced-price meal program.

35 (b) Notwithstanding subdivision (a), a public officer or agency  
36 may allow the use by school district employees, who are authorized  
37 by the governing board of the school district, of individual records  
38 pertaining to pupil participation in any free or reduced-price meal  
39 program solely for the purpose to disclose from the individual meal  
40 records only the pupil's name and school meal eligibility status,

1 *solely for purposes* of disaggregation of academic achievement  
2 data or to identify pupils eligible for public school choice and  
3 supplemental educational services pursuant to the federal No Child  
4 Left Behind Act of 2001 (P.L. 107-110), if the public agency  
5 ensures the following:

6 (1) The public agency has adopted a policy that allows for the  
7 use of individual records for these purposes.

8 (2) No individual indicators of participation in any free or  
9 reduced-price meal program are maintained in the permanent record  
10 of any pupil, unless otherwise allowed by law.

11 (3) No public release of information regarding individual pupil  
12 participation in any free or reduced-price meal program is  
13 permitted.

14 (4) All other confidentiality provisions required by law are met.

15 (5) The information collected regarding individual pupils  
16 certified to participate in the free or reduced-price meal program  
17 is destroyed when it is no longer needed for its intended purpose.

18 (c) Notwithstanding subdivision (a), the school districts and  
19 county superintendents of schools may release information on the  
20 School Lunch Program application to the local agency that  
21 determines eligibility under the Medi-Cal program if the child is  
22 approved for free meals and if the applicant consents to the sharing  
23 of information pursuant to Section 49557.2.

24 (d) Notwithstanding subdivision (a), the school districts and  
25 county superintendents of schools may release information on the  
26 School Lunch Program application to the local agency that  
27 determines eligibility under the CalFresh program or to an agency  
28 that determines eligibility for nutrition assistance programs  
29 authorized by Chapter 2 (commencing with Section 210.1) of  
30 Subtitle B of Title 7 of the Code of Federal Regulations, if the  
31 child is approved for free or reduced-price meals and if the  
32 applicant consents to the sharing of information pursuant to Section  
33 49557.3.

34 (e) *Notwithstanding subdivision (a), school districts, charter*  
35 *schools, and county offices of education may release eligibility*  
36 *information on enrolled pupils participating in the free or*  
37 *reduced-price meal program to the Superintendent for purposes*  
38 *of determining funding allocations under the local control funding*  
39 *formula and for assessing the accountability of that funding.*



1     (f) Information released pursuant to subdivision (c), (d), or (e)  
2 shall adhere to all of the following requirements:

3     (1) Individual indicators of participation in a free or  
4 reduced-price meal program shall not be maintained in the  
5 permanent record of any pupil, unless otherwise authorized by  
6 law.

7     (2) The public release of information regarding individual pupil  
8 participation in a free or reduced-price meal program is not  
9 permitted.

10    (3) All other confidentiality requirements imposed by law or  
11 regulation are met.

12    SEC. 11. Section 51224.5 of the Education Code is amended  
13 to read:

14    51224.5. (a) The adopted course of study for grades 7 to 12,  
15 inclusive, shall include algebra as part of the mathematics area of  
16 study pursuant to subdivision (f) of Section 51220.

17    ~~(b) Commencing with the 2003–04 school year and each year~~  
18 ~~thereafter, at least one course, or a combination of the two courses,~~  
19 ~~in mathematics required to be completed pursuant to subparagraph~~  
20 ~~(B) of paragraph (1) of subdivision (a) of Section 51225.3 by pupils~~  
21 ~~while in grades 9 to 12, inclusive, prior to receiving a diploma of~~  
22 ~~graduation from high school, shall meet or exceed the rigor of the~~  
23 ~~content standards for Algebra I, as adopted by the State Board of~~  
24 ~~Education pursuant to Section 60605.~~

25    (b) Before receiving a diploma of graduation from high school,  
26 a pupil shall complete a course in Algebra I or Mathematics I, or  
27 a course of equal rigor, that is aligned to the content standards  
28 adopted by the state board.

29    (c) A pupil who, ~~prior to~~ before enrollment in grade 9, completes  
30 ~~coursework in algebra that meets or exceeds the rigor of the content~~  
31 ~~standards for Algebra I, as a course in Algebra I or Mathematics~~  
32 ~~I, or a course of equal rigor, that is aligned to the content~~  
33 ~~standards adopted by the State Board of Education, state board,~~  
34 is exempt from subdivision (b), but is not exempt from the  
35 requirement that the pupil complete two courses in mathematics  
36 while enrolled in grades 9 to 12, inclusive, as specified in  
37 subparagraph (B) of paragraph (1) of subdivision (a) of Section  
38 51225.3.

39    (d) A pupil who completes coursework in algebra before the  
40 2016–17 school year that meets or exceeds the content standards

1 *for Algebra I adopted by the state board pursuant to Section 60605*  
2 *shall be deemed to have satisfied the graduation requirement*  
3 *specified in subdivision (b).*

4 ~~SEC. 11.~~

5 *SEC. 12.* Section 52060 of the Education Code is amended to  
6 read:

7 52060. (a) On or before July 1, 2014, the governing board of  
8 each school district shall adopt a local control and accountability  
9 plan using a template adopted by the state board.

10 (b) A local control and accountability plan adopted by the  
11 governing board of a school district shall be effective for a period  
12 of three years, and shall be updated on or before July 1 of each  
13 year.

14 (c) A local control and accountability plan adopted by the  
15 governing board of a school district shall include, for the school  
16 district and each school within the school district, both of the  
17 following:

18 (1) A description of the annual goals, for all pupils and each  
19 subgroup of pupils identified pursuant to Section 52052, to be  
20 achieved for each of the state priorities identified in subdivision  
21 (d) and for any additional local priorities identified by the  
22 governing board of the school district. For purposes of this article,  
23 a subgroup of pupils identified pursuant to Section 52052 shall be  
24 a numerically significant pupil subgroup as specified in paragraphs  
25 (2) and (3) of subdivision (a) of Section 52052.

26 (2) A description of the specific actions the school district will  
27 take during each year of the local control and accountability plan  
28 to achieve the goals identified in paragraph (1), including the  
29 enumeration of any specific actions necessary for that year to  
30 correct any deficiencies in regard to the state priorities listed in  
31 paragraph (1) of subdivision (d). The specific actions shall not  
32 supersede the provisions of existing local collective bargaining  
33 agreements within the jurisdiction of the school district.

34 (d) All of the following are state priorities:

35 (1) The degree to which the teachers of the school district are  
36 appropriately assigned in accordance with Section 44258.9, and  
37 fully credentialed in the subject areas, and, for the pupils they are  
38 teaching, every pupil in the school district has sufficient access to  
39 the standards-aligned instructional materials as determined pursuant

1 to Section 60119, and school facilities are maintained in good  
2 repair, as defined in subdivision (d) of Section 17002.

3 (2) Implementation of the academic content and performance  
4 standards adopted by the state board, including how the programs  
5 and services will enable English learners to access the common  
6 core academic content standards adopted pursuant to Section  
7 60605.8 and the English language development standards adopted  
8 pursuant to former Section 60811.3, as that section read on June  
9 30, 2013, or Section 60811.4, for purposes of gaining academic  
10 content knowledge and English language proficiency.

11 (3) Parental involvement, including efforts the school district  
12 makes to seek parent input in making decisions for the school  
13 district and each individual schoolsite, and including how the  
14 school district will promote parental participation in programs for  
15 unduplicated pupils and individuals with exceptional needs.

16 (4) Pupil achievement, as measured by all of the following, as  
17 applicable:

18 (A) Statewide assessments administered pursuant to Article 4  
19 (commencing with Section 60640) of Chapter 5 of Part 33 or any  
20 subsequent assessment, as certified by the state board.

21 (B) The Academic Performance Index, as described in Section  
22 52052.

23 (C) The percentage of pupils who have successfully completed  
24 courses that satisfy the requirements for entrance to the University  
25 of California and the California State University, or career technical  
26 education sequences or programs of study that align with state  
27 board-approved career technical-~~educational~~ *education* standards  
28 and frameworks, including, but not limited to, those described in  
29 subdivision (a) of Section 52302, subdivision (a) of Section  
30 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

31 (D) The percentage of English learner pupils who make progress  
32 toward English proficiency as measured by the California English  
33 Language Development Test or any subsequent assessment of  
34 English proficiency, as certified by the state board.

35 (E) The English learner reclassification rate.

36 (F) The percentage of pupils who have passed an advanced  
37 placement examination with a score of 3 or higher.

38 (G) The percentage of pupils who participate in, and demonstrate  
39 college preparedness pursuant to, the Early Assessment Program,  
40 as described in Chapter 6 (commencing with Section 99300) of

1 Part 65 of Division 14 of Title 3, or any subsequent assessment of  
2 college preparedness.

3 (5) Pupil engagement, as measured by all of the following, as  
4 applicable:

5 (A) School attendance rates.

6 (B) Chronic absenteeism rates.

7 (C) Middle school dropout rates, as described in paragraph (3)  
8 of subdivision (a) of Section 52052.1.

9 (D) High school dropout rates.

10 (E) High school graduation rates.

11 (6) School climate, as measured by all of the following, as  
12 applicable:

13 (A) Pupil suspension rates.

14 (B) Pupil expulsion rates.

15 (C) Other local measures, including surveys of pupils, parents,  
16 and teachers on the sense of safety and school connectedness.

17 (7) The extent to which pupils have access to, and are enrolled  
18 in, a broad course of study that includes all of the subject areas  
19 described in Section 51210 and subdivisions (a) to (i), inclusive,  
20 of Section 51220, as applicable, including the programs and  
21 services developed and provided to unduplicated pupils and  
22 individuals with exceptional needs, and the programs and services  
23 that are provided to benefit these pupils as a result of the funding  
24 received pursuant to Section 42238.02, as implemented by Section  
25 42238.03.

26 (8) Pupil outcomes, if available, in the subject areas described  
27 in Section 51210 and subdivisions (a) to (i), inclusive, of Section  
28 51220, as applicable.

29 (e) For purposes of the descriptions required by subdivision (c),  
30 the governing board of a school district may consider qualitative  
31 information, including, but not limited to, findings that result from  
32 school quality reviews conducted pursuant to subparagraph (J) of  
33 paragraph (4) of subdivision (a) of Section 52052 or any other  
34 reviews.

35 (f) To the extent practicable, data reported in a local control and  
36 accountability plan shall be reported in a manner consistent with  
37 how information is reported on a school accountability report card.

38 (g) The governing board of a school district shall consult with  
39 teachers, principals, administrators, other school personnel, local

1 bargaining units of the school district, parents, and pupils in  
2 developing a local control and accountability plan.

3 (h) A school district may identify local priorities, goals in regard  
4 to the local priorities, and the method for measuring the school  
5 district's progress toward achieving those goals.

6 ~~SEC. 12.~~

7 *SEC. 13.* Section 56043 of the Education Code is amended to  
8 read:

9 56043. The primary timelines affecting special education  
10 programs are as follows:

11 (a) A proposed assessment plan shall be developed within 15  
12 calendar days of referral for assessment, not counting calendar  
13 days between the pupil's regular school sessions or terms or  
14 calendar days of school vacation in excess of five schooldays, from  
15 the date of receipt of the referral, unless the parent or guardian  
16 agrees in writing to an extension, pursuant to subdivision (a) of  
17 Section 56321.

18 (b) A parent or guardian shall have at least 15 calendar days  
19 from the receipt of the proposed assessment plan to arrive at a  
20 decision, pursuant to subdivision (c) of Section 56321.

21 (c) Once a child has been referred for an initial assessment to  
22 determine whether the child is an individual with exceptional needs  
23 and to determine the educational needs of the child, these  
24 determinations shall be made, and an individualized education  
25 program team meeting shall occur within 60 days of receiving  
26 parental consent for the assessment, pursuant to subdivision (a) of  
27 Section 56302.1, except as specified in subdivision (b) of that  
28 section, and pursuant to Section 56344.

29 (d) The individualized education program team shall review the  
30 pupil's individualized education program periodically, but not less  
31 frequently than annually, pursuant to subdivision (d) of Section  
32 56341.1.

33 (e) A parent or guardian shall be notified of the individualized  
34 education program team meeting early enough to ensure an  
35 opportunity to attend, pursuant to subdivision (b) of Section  
36 56341.5. In the case of an individual with exceptional needs who  
37 is 16 years of age or younger, if appropriate, the meeting notice  
38 shall indicate that a purpose of the meeting will be the  
39 consideration of the postsecondary goals and transition services  
40 for the individual with exceptional needs, and the meeting notice

described in this subdivision shall indicate that the individual with exceptional needs is invited to attend, pursuant to subdivision (e) of Section 56341.5.

(f) (1) An individualized education program required as a result of an assessment of a pupil shall be developed within a total time not to exceed 60 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's or guardian's written consent for assessment, unless the parent or guardian agrees in writing to an extension, pursuant to Section 56344.

(2) A meeting to develop an initial individualized education program for the pupil shall be conducted within 30 days of a determination that the child needs special education and related services pursuant to Section 300.323(c)(1) of Title 34 of the Code of Federal Regulations and in accordance with Section 56344.

(g) (1) Beginning not later than the first individualized education program to be in effect when the pupil is 16 years of age, or younger if determined appropriate by the individualized education program team, and updated annually thereafter, the individualized education program shall include appropriate measurable postsecondary goals and transition services needed to assist the pupil in reaching those goals, pursuant to paragraph (8) of subdivision (a) of Section 56345.

(2) The individualized education program for pupils in grades 7 to 12, inclusive, shall include any alternative means and modes necessary for the pupil to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation, pursuant to paragraph (1) of subdivision (b) of Section 56345.

(3) Beginning not later than one year before the pupil reaches the age of 18 years, the individualized education program shall contain a statement that the pupil has been informed of the pupil's rights under this part, if any, that will transfer to the pupil upon reaching the age of 18 years, pursuant to Section 56041.5, subdivision (g) of Section 56345, and Section 300.520 of Title 34 of the Code of Federal Regulations.

(h) Beginning at the age of 16 years or younger, and annually thereafter, a statement of needed transition services shall be included in the pupil's individualized education program, pursuant

1 to Section 56345.1 and Section 1414(d)(1)(A)(i)(VIII) of Title 20  
2 of the United States Code.

3 (i) A pupil's individualized education program shall be  
4 implemented as soon as possible following the individualized  
5 education program team meeting, pursuant to Section 300.323(c)(2)  
6 of Title 34 of the Code of Federal Regulations and in accordance  
7 with Section 56344.

8 (j) An individualized education program team shall meet at least  
9 annually to review a pupil's progress, the individualized education  
10 program, including whether the annual goals for the pupil are being  
11 achieved, the appropriateness of the placement, and to make any  
12 necessary revisions, pursuant to subdivision (d) of Section 56343.  
13 The local educational agency shall maintain procedures to ensure  
14 that the individualized education program team reviews the pupil's  
15 individualized education program periodically, but not less  
16 frequently than annually, to determine whether the annual goals  
17 for the pupil are being achieved, and revises the individualized  
18 education program as appropriate to address, among other matters,  
19 the provisions specified in subdivision (d) of Section 56341.1,  
20 pursuant to subdivision (a) of Section 56380.

21 (k) A reassessment of a pupil shall occur not more frequently  
22 than once a year, unless the parent and the local educational agency  
23 agree otherwise in writing, and shall occur at least once every three  
24 years, unless the parent and the local educational agency agree, in  
25 writing, that a reassessment is unnecessary, pursuant to Section  
26 56381, and in accordance with Section 1414(a)(2) of Title 20 of  
27 the United States Code.

28 (l) A meeting of an individualized education program team  
29 requested by a parent or guardian to review an individualized  
30 education program pursuant to subdivision (c) of Section 56343  
31 shall be held within 30 calendar days, not counting days between  
32 the pupil's regular school sessions, terms, or days of school  
33 vacation in excess of five schooldays, from the date of receipt of  
34 the parent's or guardian's written request, pursuant to Section  
35 56343.5.

36 (m) If an individual with exceptional needs transfers from  
37 district to district within the state, the following are applicable  
38 pursuant to Section 56325:

39 (1) If the child has an individualized education program and  
40 transfers into a district from a district not operating programs under

1 the same local plan in which he or she was last enrolled in a special  
2 education program within the same academic year, the local  
3 educational agency shall provide the pupil with a free appropriate  
4 public education, including services comparable to those described  
5 in the previously approved individualized education program, in  
6 consultation with the parents or guardians, for a period not to  
7 exceed 30 days, by which time the local educational agency shall  
8 adopt the previously approved individualized education program  
9 or shall develop, adopt, and implement a new individualized  
10 education program that is consistent with federal and state law,  
11 pursuant to paragraph (1) of subdivision (a) of Section 56325.

12 (2) If the child has an individualized education program and  
13 transfers into a district from a district operating programs under  
14 the same special education local plan area of the district in which  
15 he or she was last enrolled in a special education program within  
16 the same academic year, the new district shall continue, without  
17 delay, to provide services comparable to those described in the  
18 existing approved individualized education program, unless the  
19 parent and the local educational agency agree to develop, adopt,  
20 and implement a new individualized education program that is  
21 consistent with state and federal law, pursuant to paragraph (2) of  
22 subdivision (a) of Section 56325.

23 (3) If the child has an individualized education program and  
24 transfers from an educational agency located outside the state to  
25 a district within the state within the same academic year, the local  
26 educational agency shall provide the pupil with a free appropriate  
27 public education, including services comparable to those described  
28 in the previously approved individualized education program, in  
29 consultation with the parents or guardians, until the local  
30 educational agency conducts an assessment as specified in  
31 paragraph (3) of subdivision (a) of Section 56325.

32 (4) In order to facilitate the transition for an individual with  
33 exceptional needs described in paragraphs (1) to (3), inclusive, the  
34 new school in which the pupil enrolls shall take reasonable steps  
35 to promptly obtain the pupil's records, as specified, pursuant to  
36 subdivision (b) of Section 56325.

37 (n) The parent or guardian shall have the right and opportunity  
38 to examine all school records of the child and to receive complete  
39 copies within five business days after a request is made by the  
40 parent or guardian, either orally or in writing, and before any



1 meeting regarding an individualized education program of his or  
2 her child or any hearing or resolution session pursuant to Chapter  
3 5 (commencing with Section 56500), in accordance with Section  
4 56504 and Chapter 6.5 (commencing with Section 49060) of Part  
5 27.

6 (o) Upon receipt of a request from a local educational agency  
7 where an individual with exceptional needs has enrolled, a former  
8 educational agency shall send the pupil's special education records,  
9 or a copy of those records, to the new local educational agency  
10 within five working days, pursuant to subdivision (a) of Section  
11 3024 of Title 5 of the California Code of Regulations.

12 (p) The department shall do all of the following:

13 (1) Have a time limit of 60 calendar days after a complaint is  
14 filed with the state educational agency to investigate the complaint.

15 (2) Give the complainant the opportunity to submit additional  
16 information about the allegations in the complaint.

17 (3) Review all relevant information and make an independent  
18 determination as to whether there is a violation of a requirement  
19 of this part or Part B of the federal Individuals with Disabilities  
20 Education Act (20 U.S.C. Sec. 1400 et seq.).

21 (4) Issue a written decision pursuant to Section 300.152(a)(5)  
22 of Title 34 of the Code of Federal Regulations.

23 (q) A prehearing mediation conference shall be scheduled within  
24 15 calendar days of receipt by the Superintendent of the request  
25 for mediation, and shall be completed within 30 calendar days  
26 after the request for mediation, unless both parties to the prehearing  
27 mediation conference agree to extend the time for completing the  
28 mediation, pursuant to Section 56500.3.

29 (r) Any request for a due process hearing arising from  
30 subdivision (a) of Section 56501 shall be filed within two years  
31 from the date the party initiating the request knew or had reason  
32 to know of facts underlying the basis for the request, except that  
33 this timeline shall not apply to a parent if the parent was prevented  
34 from requesting the due process hearing, pursuant to subdivision  
35 (l) of Section 56505.

36 (s) The Superintendent shall ensure that, within 45 calendar  
37 days after receipt of a written due process hearing request, the  
38 hearing is immediately commenced and completed, including any  
39 mediation requested at any point during the hearing process, and

1 a final administrative decision is rendered, pursuant to subdivision  
2 (f) of Section 56502.

3 (t) If either party to a due process hearing intends to be  
4 represented by an attorney in the due process hearing, notice of  
5 that intent shall be given to the other party at least 10 calendar  
6 days before the hearing, pursuant to subdivision (a) of Section  
7 56507.

8 (u) Any party to a due process hearing shall have the right to  
9 be informed by the other parties to the hearing, at least 10 calendar  
10 days before the hearing, as to what those parties believe are the  
11 issues to be decided at the hearing and their proposed resolution  
12 of those issues, pursuant to paragraph (6) of subdivision (e) of  
13 Section 56505.

14 (v) Any party to a due process hearing shall have the right to  
15 receive from other parties to the hearing, at least five business days  
16 before the hearing, a copy of all documents, including all  
17 assessments completed and not completed by that date, and a list  
18 of all witnesses and their general area of testimony that the parties  
19 intend to present at the hearing, pursuant to paragraph (7) of  
20 subdivision (e) of Section 56505.

21 (w) An appeal of a due process hearing decision shall be made  
22 within 90 calendar days of receipt of the hearing decision, pursuant  
23 to subdivision (k) of Section 56505.

24 (x) A complaint filed with the department shall allege a violation  
25 of the federal Individuals with Disabilities Education Act (20  
26 U.S.C. Sec. 1400 et seq.) or a provision of this part that occurred  
27 not more than one year before the date that the complaint is  
28 received by the department, pursuant to Section 56500.2 and  
29 Section 300.153(c) of Title 34 of the Code of Federal Regulations.

30 ~~SEC. 13.~~

31 *SEC. 14.* Section 56363.5 of the Education Code is repealed.

32 ~~SEC. 14.~~

33 *SEC. 15.* Section 56363.5 is added to the Education Code, to  
34 read:

35 56363.5. Pursuant to Section 300.154(d)(2)(iv) and (v) of Title  
36 34 of the Code of Federal Regulations, if an individual with  
37 exceptional needs is covered by public benefits or insurance, a  
38 public agency may use Medicaid, other public benefits, or  
39 insurance programs in which a pupil participates to provide or pay  
40 for the services required by this part, the federal Individuals with

1 Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and Part  
2 300 of Title 34 of the Code of Federal Regulations, if both of the  
3 following conditions are met:

4 (a) The public agency provides written notification to the pupil's  
5 parents.

6 (b) The public agency obtains written parental consent before  
7 accessing the pupil's or parents' public benefits or insurance for  
8 the first time, and annually thereafter.

9 ~~SEC. 15.~~

10 *SEC. 16.* Section 56366.1 of the Education Code is amended  
11 to read:

12 56366.1. (a) A nonpublic, nonsectarian school or agency that  
13 seeks certification shall file an application with the Superintendent  
14 on forms provided by the department, and shall include all of the  
15 following information on the application:

16 (1) A description of the special education and designated  
17 instruction and services provided to individuals with exceptional  
18 needs if the application is for nonpublic, nonsectarian school  
19 certification.

20 (2) A description of the designated instruction and services  
21 provided to individuals with exceptional needs if the application  
22 is for nonpublic, nonsectarian agency certification.

23 (3) A list of appropriately qualified staff, a description of the  
24 credential, license, or registration that qualifies each staff member  
25 rendering special education or designated instruction and services  
26 to do so, and copies of their credentials, licenses, or certificates of  
27 registration with the appropriate state or national organization that  
28 has established standards for the service rendered.

29 (4) An annual operating budget.

30 (5) Affidavits and assurances necessary to comply with all  
31 applicable federal, state, and local laws and regulations that include  
32 criminal record summaries required of all nonpublic, nonsectarian  
33 school or agency personnel having contact with minor children  
34 under Section 44237.

35 (b) (1) The applicant shall provide the special education local  
36 plan area in which the applicant is located with the written  
37 notification of its intent to seek certification or renewal of its  
38 certification. The local educational agency representatives shall  
39 acknowledge that they have been notified of the intent to certify  
40 or renew certification. The acknowledgment shall include a

1 statement that representatives of the local educational agency for  
2 the area in which the applicant is located have had the opportunity  
3 to review the application at least 60 calendar days before  
4 submission of an initial application to the Superintendent, or at  
5 least 30 calendar days before submission of a renewal application  
6 to the Superintendent. The acknowledgment shall provide  
7 assurances that local educational agency representatives have had  
8 the opportunity to provide input on all required components of the  
9 application.

10 (2) If the local educational agency has not acknowledged an  
11 applicant's intent to be certified 60 calendar days from the date of  
12 submission for initial applications or 30 calendar days from the  
13 date of the return receipt for renewal applications, the applicant  
14 may file the application with the Superintendent.

15 (3) The department shall provide electronic notification of the  
16 availability of renewal application materials to certified nonpublic,  
17 nonsectarian schools and agencies at least 120 days before the date  
18 their current certification expires.

19 (c) If the applicant operates a facility or program on more than  
20 one site, each site shall be certified.

21 (d) If the applicant is part of a larger program or facility on the  
22 same site, the Superintendent shall consider the effect of the total  
23 program on the applicant. A copy of the policies and standards for  
24 the nonpublic, nonsectarian school or agency and the larger  
25 program shall be available to the Superintendent.

26 (e) (1) Before certification, the Superintendent shall conduct  
27 an onsite review of the facility and program for which the applicant  
28 seeks certification. The Superintendent may be assisted by  
29 representatives of the special education local plan area in which  
30 the applicant is located and a nonpublic, nonsectarian school or  
31 agency representative who does not have a conflict of interest with  
32 the applicant. The Superintendent shall conduct an additional onsite  
33 review of the facility and program within three years of the  
34 effective date of the certification, unless the Superintendent  
35 conditionally certifies the nonpublic, nonsectarian school or  
36 agency, or unless the Superintendent receives a formal complaint  
37 against the nonpublic, nonsectarian school or agency. In the latter  
38 two cases, the Superintendent shall conduct an onsite review at  
39 least annually.

1 (2) In carrying out this subdivision, the Superintendent may  
2 verify that the nonpublic, nonsectarian school or agency has  
3 received a successful criminal background check clearance and  
4 has enrolled in subsequent arrest notice service, pursuant to Section  
5 44237, for each owner, operator, and employee of the nonpublic,  
6 nonsectarian school or agency.

7 (f) The Superintendent shall make a determination on an  
8 application within 120 days of receipt of the application and shall  
9 certify, conditionally certify, or deny certification to the applicant.  
10 If the Superintendent fails to take one of these actions within 120  
11 days, the applicant is automatically granted conditional certification  
12 for a period terminating on August 31 of the current school year.  
13 If certification is denied, the Superintendent shall provide reasons  
14 for the denial. The Superintendent shall not certify the nonpublic,  
15 nonsectarian school or agency for a period longer than one year.

16 (g) Certification becomes effective on the date the nonpublic,  
17 nonsectarian school or agency meets all the application  
18 requirements and is approved by the Superintendent. Certification  
19 may be retroactive if the nonpublic, nonsectarian school or agency  
20 met all the requirements of this section on the date the retroactive  
21 certification is effective. Certification expires on December 31 of  
22 the terminating year.

23 (h) The Superintendent annually shall review the certification  
24 of each nonpublic, nonsectarian school ~~and~~ or agency. For this  
25 purpose, a certified nonpublic, nonsectarian school or agency  
26 annually shall update its application between August 1 and October  
27 31, unless the state board grants a waiver pursuant to Section  
28 56101. The Superintendent may conduct an onsite review as part  
29 of the annual review.

30 (i) (1) The Superintendent shall conduct an investigation of a  
31 nonpublic, nonsectarian school or agency onsite at any time without  
32 prior notice if there is substantial reason to believe that there is an  
33 immediate danger to the health, safety, or welfare of a child. The  
34 Superintendent shall document the concern and submit it to the  
35 nonpublic, nonsectarian school or agency at the time of the onsite  
36 investigation. The Superintendent shall require a written response  
37 to any noncompliance or deficiency found.

38 (2) With respect to a nonpublic, nonsectarian school, the  
39 Superintendent shall conduct an investigation, which may include  
40 an unannounced onsite visit, if the Superintendent receives

1 evidence of a significant deficiency in the quality of educational  
2 services provided, a violation of Section 56366.9, or  
3 noncompliance with the policies expressed by subdivision (b) of  
4 Section 1501 of the Health and Safety Code by the nonpublic,  
5 nonsectarian school. The Superintendent shall document the  
6 complaint and the results of the investigation and shall provide  
7 copies of the documentation to the complainant, the nonpublic,  
8 nonsectarian school, and the contracting local educational agency.

9 (3) Violations or noncompliance documented pursuant to  
10 paragraph (1) or (2) shall be reflected in the status of the  
11 certification of the nonpublic, nonsectarian school or agency, at  
12 the discretion of the Superintendent, pending an approved plan of  
13 correction by the nonpublic, nonsectarian school or agency. The  
14 department shall retain for a period of 10 years all violations  
15 pertaining to certification of the nonpublic, nonsectarian school  
16 or agency.

17 (4) In carrying out this subdivision, the Superintendent may  
18 verify that the nonpublic, nonsectarian school or agency received  
19 a successful criminal background check clearance and has enrolled  
20 in subsequent arrest notice service, pursuant to Section 44237, for  
21 each owner, operator, and employee of the nonpublic, nonsectarian  
22 school or agency.

23 (j) The Superintendent shall monitor the facilities, the  
24 educational environment, and the quality of the educational  
25 program, including the teaching staff, the credentials authorizing  
26 service, the standards-based core curriculum being employed, and  
27 ~~the standard-focused~~ *standards-focused* instructional materials  
28 used, of an existing certified nonpublic, nonsectarian school or  
29 agency on a three-year cycle, as follows:

30 (1) The nonpublic, nonsectarian school or agency shall complete  
31 a self-review in year one.

32 (2) The Superintendent shall conduct an onsite review of the  
33 nonpublic, nonsectarian school or agency in year two.

34 (3) The Superintendent shall conduct a followup visit to the  
35 nonpublic, nonsectarian school or agency in year three.

36 (k) (1) Notwithstanding any other law, the Superintendent shall  
37 not certify a nonpublic, nonsectarian school or agency that proposes  
38 to initiate or expand services to pupils currently educated in the  
39 immediate prior fiscal year in a juvenile court program, community  
40 school pursuant to Section 56150, or other nonspecial education

1 program, including independent study or adult school, or both,  
2 unless the nonpublic, nonsectarian school or agency notifies the  
3 county superintendent of schools and the special education local  
4 plan area in which the proposed new or expanded nonpublic,  
5 nonsectarian school or agency is located of its intent to seek  
6 certification.

7 (2) The notification shall occur no later than the December 1  
8 before the new fiscal year in which the proposed or expanding  
9 school or agency intends to initiate services. The notice shall  
10 include the following:

11 (A) The specific date upon which the proposed nonpublic,  
12 nonsectarian school or agency is to be established.

13 (B) The location of the proposed program or facility.

14 (C) The number of pupils proposed for services, the number of  
15 pupils currently served in the juvenile court, community school,  
16 or other nonspecial education program, the current school services  
17 including special education and related services provided for these  
18 pupils, and the specific program of special education and related  
19 services to be provided under the proposed program.

20 (D) The reason for the proposed change in services.

21 (E) The number of staff who will provide special education and  
22 designated instruction and services and hold a current valid  
23 California credential or license in the service rendered.

24 (3) In addition to the requirements in subdivisions (a) to (f),  
25 inclusive, the Superintendent shall require and consider the  
26 following in determining whether to certify a nonpublic,  
27 nonsectarian school or agency as described in this subdivision:

28 (A) A complete statement of the information required as part  
29 of the notice under paragraph (1).

30 (B) Documentation of the steps taken in preparation for the  
31 conversion to a nonpublic, nonsectarian school or agency, including  
32 information related to changes in the population to be served and  
33 the services to be provided pursuant to each pupil's individualized  
34 education program.

35 (4) Notwithstanding any other law, the certification becomes  
36 effective no earlier than July 1 if the nonpublic, nonsectarian school  
37 or agency provided the notification required pursuant to paragraph  
38 (1).

1 (l) (1) Notwithstanding any other law, the Superintendent shall  
2 not certify or renew the certification of a nonpublic, nonsectarian  
3 school or agency, unless all of the following conditions are met:

4 (A) The entity operating the nonpublic, nonsectarian school or  
5 agency maintains separate financial records for each entity that it  
6 operates, with each nonpublic, nonsectarian school or agency  
7 identified separately from any licensed children's institution that  
8 it operates.

9 (B) The entity submits an annual budget that identifies the  
10 projected costs and revenues for each entity and demonstrates that  
11 the rates to be charged are reasonable to support the operation of  
12 the entity.

13 (C) The entity submits an entitywide annual audit that identifies  
14 its costs and revenues, by entity, in accordance with generally  
15 accepted accounting and auditing principles. The audit shall clearly  
16 document the amount of moneys received and expended on the  
17 educational program provided by the nonpublic, nonsectarian  
18 school.

19 (D) The relationship between various entities operated by the  
20 same entity are documented, defining the responsibilities of the  
21 entities. The documentation shall clearly identify the services to  
22 be provided as part of each program, for example, the residential  
23 or medical program, the mental health program, or the educational  
24 program. The entity shall not seek funding from a public agency  
25 for a service, either separately or as part of a package of services,  
26 if the service is funded by another public agency, either separately  
27 or as part of a package of services.

28 (2) For purposes of this section, "licensed children's institution"  
29 has the same meaning as it is defined by Section 56155.5.

30 (m) (1) The nonpublic, nonsectarian school or agency shall be  
31 charged a reasonable fee for certification. The Superintendent may  
32 adjust the fee annually commensurate with the statewide average  
33 percentage inflation adjustment computed for local control funding  
34 formula allocations pursuant to Section 42238.02, as implemented  
35 by Section 42238.03, of unified school districts with greater than  
36 1,500 units of average daily attendance if the percentage increase  
37 is reflected in the school district local control funding formula  
38 allocation pursuant to Section 42238.02, as implemented by Section  
39 42238.03, for inflation purposes. For purposes of this section, the  
40 base fee shall be the following:



1	(1) 1–5 pupils .....	\$ 300
2	(2) 6–10 pupils .....	500
3	(3) 11–24 pupils .....	1,000
4	(4) 25–75 pupils .....	1,500
5	(5) 76 pupils and over .....	2,000

6

7 (2) The nonpublic, nonsectarian school or agency shall pay this  
8 fee when it applies for certification and when it updates its  
9 application for annual renewal by the Superintendent. The  
10 Superintendent shall use these fees to conduct onsite reviews,  
11 which may include field experts. A fee shall not be refunded if the  
12 application is withdrawn or is denied by the Superintendent.

13 (n) (1) Notwithstanding any other law, only those nonpublic,  
14 nonsectarian schools ~~and~~ or agencies that provide special education  
15 and designated instruction and services using staff who hold a  
16 certificate, permit, or other document equivalent to that which staff  
17 in a public school are required to hold in the service rendered are  
18 eligible to receive certification. Only those nonpublic, nonsectarian  
19 schools or agencies located outside of California that employ staff  
20 who hold a current valid credential or license to render special  
21 education and related services as required by that state shall be  
22 eligible to be certified.

23 (2) The state board shall develop regulations to implement this  
24 subdivision.

25 (o) In addition to meeting the standards adopted by the state  
26 board, a nonpublic, nonsectarian school or agency shall provide  
27 written assurances that it meets all applicable standards relating  
28 to fire, health, sanitation, and building safety.

29 (p) (1) Notwithstanding subdivision (n) of Section 44237, and  
30 for purposes of enabling the Superintendent to carry out his or her  
31 duties pursuant to this section, a nonpublic, nonsectarian school  
32 or agency shall, upon demand, make available to the  
33 Superintendent evidence of a successful criminal background check  
34 clearance and enrollment in subsequent arrest notice service,  
35 conducted pursuant to Section 44237, for each owner, operator,  
36 and employee of the nonpublic, nonsectarian school or agency.

37 (2) The nonpublic, nonsectarian school or agency shall retain  
38 the evidence and store it in a locked file separate from other files.

1     ~~SEC. 16.~~

2     *SEC. 17.* Section 56440 of the Education Code is amended to  
3 read:

4     56440. (a) Each special education local plan area shall submit  
5 to the Superintendent, as part of the local plan, information for  
6 providing special education and services to individuals with  
7 exceptional needs, as defined in Section 56026, who are between  
8 the ages of three and five years, inclusive.

9     (b) All individuals with exceptional needs between the ages of  
10 three and five years, inclusive, identified in subdivision (a) shall  
11 be served by the local educational agencies within each special  
12 education local plan area, to the extent required under federal law  
13 and pursuant to the local plan and application approved by the  
14 Superintendent.

15     (c) Individuals with exceptional needs between the ages of three  
16 and five years, inclusive, who are identified by the local educational  
17 agency as requiring special education and services, as defined by  
18 the board, shall be eligible for special education and services  
19 pursuant to this part and shall not be subject to any phase-in plan.

20     (d) Special education facilities operated by local educational  
21 agencies serving children under this chapter and Chapter 4.4  
22 (commencing with Section 56425) shall meet all applicable  
23 standards relating to fire, health, sanitation, and building safety,  
24 but are not subject to Chapter 3.4 (commencing with Section  
25 1596.70), 3.5 (commencing with Section 1596.90), or 3.6  
26 (commencing with Section 1597.30) of Division 2 of the Health  
27 and Safety Code.

28     (e) This chapter applies to all individuals with exceptional needs  
29 between the ages of three and five years, inclusive.

30     ~~SEC. 17.~~

31     *SEC. 18.* Section 60603 of the Education Code is amended to  
32 read:

33     60603. As used in this chapter:

34     (a) “Achievement level descriptors” means a narrative  
35 description of the knowledge, skills, and processes expected of  
36 pupils at different grade levels and at different performance levels  
37 on achievement tests.

38     (b) “Achievement test” means any summative standardized test  
39 that measures the level of performance that a pupil has achieved  
40 on state-adopted content standards.

(c) “California Assessment of Student Performance and Progress (CAASPP)” means the comprehensive assessment system, inclusive of consortium-developed assessments, that has the primary purpose of modeling and promoting high-quality teaching and instruction using a variety of assessment approaches and item types.

(d) “Census administration” means a test administration in which all pupils take comparable assessments of the same content and where results of individual performance are appropriate and meaningful to parents, pupils, and teachers.

(e) “Computer-adaptive assessment” means a computer-based test that utilizes a computer program to adjust the difficulty of test items throughout a testing session based on a test taker’s responses to previous test items during that testing session.

(f) “Computer-based assessment” means a test administered using an electronic computing device.

(g) “Consortium” means a multistate collaborative organized to develop a comprehensive system of assessments or formative tools such as described in Section 60605.7.

(h) “Constructed-response questions” means a type of assessment item that requires pupils to construct their own answers.

(i) “Content standards” means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach, and all pupils are expected to learn, in reading, writing, mathematics, history-social science, foreign languages, visual and performing arts, and science, at each grade level tested.

(j) “Diagnostic assessment” means an assessment of particular knowledge or skills a pupil has or has not yet achieved for the purpose of informing instruction and making placement decisions.

(k) “End of course examination” means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.

(l) “Field test” means an assessment or assessment items administered to a representative sample of a population to ensure that the test or item produces results that are valid, reliable, and fair.

(m) “Formative assessment tools” means assessment tools and processes that are embedded in instruction and used by teachers and pupils to provide timely feedback for purposes of adjusting instruction to improve learning.

(n) “High-quality assessment” means an assessment designed to measure a pupil’s knowledge of, understanding of, and ability to apply, critical concepts through the use of a variety of item types and formats, including, but not necessarily limited to, items that allow for constructed responses and items that require the completion of performance tasks. A high-quality assessment should have the following characteristics:

(1) Enable measurement of pupil achievement and pupil growth to the extent feasible.

(2) Be of high technical quality by being valid, reliable, fair, and aligned to standards.

(3) Incorporate technology where appropriate.

(4) Include the assessment of pupils with disabilities and English learners.

(5) Use, to the extent feasible, universal design principles, as defined in Section 3 of the federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002) in its development and administration.

(o) “Interim assessment” means an assessment that is designed to be given at regular intervals throughout the school year to evaluate a pupil’s knowledge and skills relative to a specific set of academic standards, and produces results that can be aggregated by course, grade level, school, or local educational agency in order to inform teachers and administrators at the pupil, classroom, school, and local educational agency levels.

(p) “Local educational agency” means a county office of education, school district, state special school, or direct-funded charter school as described in Section 47651.

(q) “Matrix sampling” means administering different portions of a single assessment to different groups of pupils for the purpose of sampling a broader representation of content and reducing testing time.

(r) “Performance standards” are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content standards and the degree to which a school or school district has met the content standards.

(s) “Performance tasks” are a collection of questions or activities that relate to a single scenario that include pupil interaction with

1 stimulus. Performance tasks are a means to assess more complex  
2 skills such as writing, research, and analysis.

3 (t) “Personally identifiable information” includes a pupil’s name  
4 and other direct personal identifiers, such as the pupil’s  
5 identification number. Personally identifiable information also  
6 includes indirect identifiers, such as the pupil’s address and  
7 personal characteristics, or other information that would make the  
8 pupil’s identity easily traceable through the use of a single or  
9 multiple data sources, including publicly available information.

10 (u) “Population sampling” means administering assessments to  
11 a representative sample of pupils instead of the entire pupil  
12 population. The sample of pupils shall be representative in terms  
13 of various pupil subgroups, including, but not necessarily limited  
14 to, English learners and pupils with disabilities.

15 (v) “Recently arrived English learner” means a pupil designated  
16 as an English learner who is in his or her first 12 months of  
17 attending a school in the United States.

18 (w) “State-determined assessment calendar” means the  
19 scheduling of assessments, exclusive of those subject area  
20 assessments listed in subdivision (b) of Section 60640, over several  
21 years on a predetermined schedule. Content areas and grades shall  
22 only be assessed after being publicly announced at least two school  
23 years in advance of the assessment.

24 (x) “Summative assessment” means an assessment designed to  
25 be given near the end of the school year to evaluate a pupil’s  
26 knowledge and skills relative to a specific set of academic  
27 standards.

28 ~~SEC. 18.~~

29 *SEC. 19.* Section 60604 of the Education Code is amended to  
30 read:

31 60604. (a) The Superintendent shall design and implement,  
32 consistent with the timetable and plan required pursuant to  
33 subdivision (b), a statewide pupil assessment system consistent  
34 with the testing requirements of this article in accordance with the  
35 objectives set forth in Section 60602.5. That system shall include  
36 all of the following:

37 (1) Exclusive of the consortium assessments, a plan for  
38 producing or adopting valid, fair, and reliable achievement tests  
39 as recommended by the Superintendent and adopted by the state  
40 board pursuant to the California Assessment of Student

1 Performance and Progress (CAASPP) established by Article 4  
2 (commencing with Section 60640).

3 (2) A plan for administering the consortium summative  
4 assessment as outlined by the joint agreement of the consortium.

5 (3) Statewide academically rigorous content and performance  
6 standards that reflect the knowledge and complex skills that pupils  
7 will need in order to succeed in the information-based, global  
8 economy of the 21st century. These skills shall not include personal  
9 behavioral standards or skills, including, but not limited to, honesty,  
10 sociability, ethics, or self-esteem.

11 (4) A statewide system that provides the results of testing in a  
12 manner that reflects the degree to which pupils are achieving the  
13 academically rigorous content and performance standards adopted  
14 by the state board.

15 (5) The alignment of assessment with the statewide academically  
16 rigorous content and performance standards adopted by the state  
17 board.

18 (6) The active, ongoing involvement of parents, classroom  
19 teachers, administrators, other educators, governing board members  
20 of school districts, business community members, institutions of  
21 higher education, and the public in all phases of the design and  
22 implementation of the statewide pupil assessment system.

23 (7) A plan for ensuring the security and integrity of the CAASPP  
24 assessments.

25 (8) The development of a contract or contracts with a contractor  
26 for the development or administration of achievement tests and  
27 performance tasks aligned to state-adopted content standards,  
28 including summative assessments or assessments that employ  
29 matrix sampling or population sampling methods.

30 (b) The Superintendent shall develop and annually update for  
31 the Legislature a five-year cost projection, implementation plan  
32 for the CAASPP, and a timetable for implementing the system  
33 described in Section 60640. The annual update shall be submitted  
34 on or before March 1 of each year to the Department of Finance,  
35 the state board, and the respective chairpersons of the appropriate  
36 fiscal subcommittees considering budget appropriations and the  
37 appropriate policy committees in each house. The update shall  
38 explain any significant variations from the five-year cost projection  
39 for the current year budget and the proposed budget.

1 (c) The Superintendent shall make resources available that are  
2 designed to assist with the interpretation and use of the CAASPP  
3 results to promote the use of the results for purposes of improving  
4 pupil learning and educational programs across the full curriculum.  
5 The Superintendent shall consider information already provided  
6 by assessment consortia to which California belongs or assessment  
7 contractors when fulfilling this requirement.

8 (d) The Superintendent shall make information and resources  
9 available to parents, teachers, pupils, administrators, school board  
10 members, and the public regarding the CAASPP, including, but  
11 not necessarily limited to, system goals, purposes, scoring systems,  
12 results, valid uses of assessments, and information on the  
13 relationship between performance on the previous state assessments  
14 and the CAASPP.

15 (e) The Superintendent and the state board shall consider  
16 comments and recommendations from teachers, administrators,  
17 pupil representatives, institutions of higher education, and the  
18 public in the development, adoption, and approval of assessment  
19 instruments.

20 (f) The results of the achievement tests, exclusive of the  
21 consortium summative assessments, administered pursuant to  
22 Article 4 (commencing with Section 60640), shall be returned to  
23 the local educational agencies within the period of time specified  
24 by the state board.

25 ~~SEC. 19.~~

26 *SEC. 20.* Section 60607 of the Education Code is amended to  
27 read:

28 60607. (a) Each pupil shall have an individual record of  
29 accomplishment by the end of grade 12 that includes the results  
30 of the achievement test required and administered annually as part  
31 of the California Assessment of Student Performance and Progress  
32 (CAASPP), or any predecessor assessments, established pursuant  
33 to Article 4 (commencing with Section 60640), results of  
34 end-of-course examinations he or she has taken, and the vocational  
35 education certification examinations he or she chose to take.

36 (b) It is the intent of the Legislature that local educational  
37 agencies and schools use the results of the academic achievement  
38 tests administered annually as part of the CAASPP to provide  
39 support to pupils and parents or guardians in order to assist pupils  
40 in strengthening their development as learners, and thereby to

1 improve their academic achievement and performance in  
2 subsequent assessments.

3 (c) (1) Except for research provided for in former Section  
4 49079.6, as it read on December 31, 2013, a pupil's results or a  
5 record of accomplishment shall be private, and may not be released  
6 to any person, other than the pupil's parent or guardian and a  
7 teacher, counselor, or administrator directly involved with the  
8 pupil, without the express written consent of either the parent or  
9 guardian of the pupil if the pupil is a minor, or the pupil if the pupil  
10 has reached the age of majority or is emancipated.

11 (2) (A) Notwithstanding paragraph (1), a pupil or his or her  
12 parent or guardian may authorize the release of pupil results or a  
13 record of accomplishment to a postsecondary educational  
14 institution for the purpose of credit, placement, or admission.

15 (B) Notwithstanding paragraph (1), the results of an individual  
16 pupil on the CAASPP may be released to a postsecondary  
17 educational institution for the purpose of credit, placement, or  
18 admission.

19 ~~SEC. 20.~~

20 *SEC. 21.* Section 60611 of the Education Code is amended to  
21 read:

22 60611. A local educational agency, district superintendent of  
23 schools, or principal or teacher of any elementary or secondary  
24 school, including a charter school, shall not carry on any program  
25 for the sole purpose of test preparation of pupils for the statewide  
26 pupil assessment system or a particular test used in the statewide  
27 pupil assessment system. Nothing in this section prohibits the use  
28 of materials to familiarize pupils with item types or the  
29 computer-based testing environment used in the California  
30 Assessment of Student Performance and Progress.

31 ~~SEC. 21.~~

32 *SEC. 22.* Section 60630 of the Education Code is amended to  
33 read:

34 60630. (a) The Superintendent shall prepare and submit, and  
35 subsequently post on the Internet Web site of the department, an  
36 annual report to the state board containing an analysis of the results  
37 and test scores of the summative assessments administered pursuant  
38 to Section 60640. The Superintendent shall notify the state board  
39 and the appropriate policy and fiscal committees of the Legislature



1 that the annual report is available on the Internet Web site of the  
2 department.

3 (b) The Superintendent shall post a periodic update on the  
4 implementation of the California Assessment of Student  
5 Performance and Progress on the Internet Web site of the  
6 department, and notify the state board and the appropriate policy  
7 and fiscal committees of the Legislature that the update is available  
8 on the Internet Web site of the department.

9 ~~SEC. 22. The heading of Article 4 (commencing with Section~~  
10 ~~60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the~~  
11 ~~Education Code is amended to read:~~

12  
13 ~~Article 4. California Assessment of Student Performance and~~  
14 ~~Progress~~  
15

16 ~~SEC. 23. Section 60640 of the Education Code is amended to~~  
17 ~~read:~~

18 ~~60640. (a) There is hereby established the California~~  
19 ~~Assessment of Student Performance and Progress, to be known as~~  
20 ~~the CAASPP.~~

21 ~~(b) Commencing with the 2013-14 school year, the CAASPP~~  
22 ~~shall be composed of all of the following:~~

23 ~~(1) (A) A consortium summative assessment in English~~  
24 ~~language arts and mathematics for grades 3 to 8, inclusive, and~~  
25 ~~grade 11 that measures content standards adopted by the state~~  
26 ~~board.~~

27 ~~(B) In the 2013-14 school year, the consortium summative~~  
28 ~~assessment in English language arts and mathematics shall be a~~  
29 ~~field test only, to enable the consortium to gauge the validity and~~  
30 ~~reliability of these assessments and to conduct all necessary~~  
31 ~~psychometric procedures and studies, including, but not necessarily~~  
32 ~~limited to, achievement standard setting, and to allow the~~  
33 ~~department to conduct studies regarding full implementation of~~  
34 ~~the assessment system. These field tests and results shall not be~~  
35 ~~used for any other purpose, including the calculation of any~~  
36 ~~accountability measure.~~

37 ~~(2) (A) Science grade level assessments in grades 5, 8, and 10~~  
38 ~~that measure content standards pursuant to Section 60605, until a~~  
39 ~~successor assessment is implemented pursuant to subparagraph~~  
40 ~~(B).~~

~~(B) For science assessments, the Superintendent shall make a recommendation to the state board as soon as is feasible after the adoption of science content standards pursuant to Section 60605.85 regarding the assessment of the newly adopted standards. Before making recommendations, the Superintendent shall consult with stakeholders, including, but not necessarily limited to, California science teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, regarding the grade level and type of assessment. The recommendations shall include cost estimates and a plan for implementation of at least one assessment in each of the following grade spans:~~

~~(i) Grades 3 to 5, inclusive.~~

~~(ii) Grades 6 to 9, inclusive.~~

~~(iii) Grades 10 to 12, inclusive.~~

~~(3) The California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, which measures content standards adopted pursuant to Section 60605 until a successor assessment is implemented. The successor assessment shall be limited to the grades and subject areas assessed pursuant to paragraph (1) and subparagraph (B) of paragraph (2).~~

~~(4) The Early Assessment Program established by Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3.~~

~~(5) (A) The department shall make available to local educational agencies a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, for assessing pupils who are enrolled in a dual language immersion program that includes the primary language of the assessment and who are either nonlimited English proficient or redesignated fluent English proficient. The cost for the assessment shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section.~~

~~(B) A local educational agency may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, at its own expense, and shall enter into an agreement for that purpose with the testing contractor. If the local educational agency~~

1 chooses to administer a primary language assessment pursuant to  
2 this paragraph, the department shall reimburse the local educational  
3 agency for its costs, including a per pupil apportionment to  
4 administer the assessment pursuant to subdivision (l). The  
5 department shall determine the procedures for reimbursement.

6 ~~(C) The Superintendent shall consult with stakeholders,~~  
7 ~~including assessment and English learner experts, to determine~~  
8 ~~the content and purpose of a stand-alone language arts summative~~  
9 ~~assessment in primary languages other than English that aligns~~  
10 ~~with the English-language arts content standards. The~~  
11 ~~Superintendent shall consider the appropriate purpose for this~~  
12 ~~assessment, including, but not necessarily limited to, support for~~  
13 ~~the State Seal of Biliteracy and accountability. It is the intent of~~  
14 ~~the Legislature that an assessment developed pursuant to this~~  
15 ~~section be included in the state accountability system.~~

16 ~~(D) The Superintendent shall report and make recommendations~~  
17 ~~to the state board at a regularly scheduled public meeting no sooner~~  
18 ~~than one year after the first full administration of the consortium~~  
19 ~~computer-adaptive assessments in English language arts and~~  
20 ~~mathematics summative assessments in grades 3 to 8, inclusive,~~  
21 ~~and grade 11, regarding an implementation timeline and estimated~~  
22 ~~costs of a stand-alone language arts summative assessment in~~  
23 ~~primary languages other than English.~~

24 ~~(E) The Superintendent shall develop, and the state board shall~~  
25 ~~adopt, a primary language assessment. The Superintendent shall~~  
26 ~~administer this assessment no later than the 2016-17 school year.~~

27 ~~(F) This paragraph shall be operative only to the extent that~~  
28 ~~funding is provided in the annual Budget Act or another statute~~  
29 ~~for the purpose of this section.~~

30 ~~(e) No later than March 1, 2016, the Superintendent shall submit~~  
31 ~~to the state board recommendations on expanding the CAASPP~~  
32 ~~to include additional assessments, for consideration at a regularly~~  
33 ~~scheduled public meeting. The Superintendent shall also submit~~  
34 ~~these recommendations to the appropriate policy and fiscal~~  
35 ~~committees of the Legislature and to the Director of Finance in~~  
36 ~~accordance with all of the following:~~

37 ~~(1) In consultation with stakeholders, including, but not~~  
38 ~~necessarily limited to, California teachers, individuals with~~  
39 ~~expertise in assessing English learners and pupils with disabilities,~~  
40 ~~parents, and measurement experts, the Superintendent shall make~~

1 recommendations regarding assessments including the grade level,  
2 content, and type of assessment. These recommendations shall  
3 take into consideration the assessments already administered or  
4 planned pursuant to subdivision (b). The Superintendent shall  
5 consider the use of consortium-developed assessments, various  
6 item types, computer-based testing, and a timeline for  
7 implementation.

8 (2) The recommendations shall consider assessments in subjects,  
9 including, but not necessarily limited to, history-social science,  
10 technology, visual and performing arts, and other subjects as  
11 appropriate, as well as English language arts, mathematics, and  
12 science assessments to augment the assessments required under  
13 subdivision (b), and the use of various assessment options,  
14 including, but not necessarily limited to, computer-based tests,  
15 locally scored performance tasks, and portfolios.

16 (3) The recommendations shall include the use of an assessment  
17 calendar that would schedule the assessments identified pursuant  
18 to paragraph (2) over several years, the use of matrix sampling, if  
19 appropriate, and the use of population sampling.

20 (4) The recommendations shall include a timeline for test  
21 development, and shall include cost estimates for subject areas, as  
22 appropriate.

23 (5) Upon approval by the state board and the appropriation of  
24 funding for this purpose, the Superintendent shall develop and  
25 administer approved assessments. The state board shall approve  
26 test blueprints, achievement level descriptors, testing periods,  
27 performance standards, and a reporting plan for each approved  
28 assessment.

29 (d) For the 2013–14 and 2014–15 school years, the department  
30 shall make available to local educational agencies Standardized  
31 Testing and Reporting Program test forms no longer required by  
32 the CAASPP. The cost of implementing this subdivision, including,  
33 but not necessarily limited to, shipping, printing, scoring, and  
34 reporting per pupil shall be the same for all local educational  
35 agencies, and shall not exceed the marginal cost of the assessment,  
36 including any cost the department incurs to implement this section.  
37 A local educational agency that chooses to administer an  
38 assessment pursuant to this section shall do so at its own expense,  
39 and shall enter into an agreement for that purpose with a contractor,  
40 subject to the approval of the department.

1     ~~(e) The Superintendent shall make available a paper and pencil~~  
2 ~~version of any computer-based CAASPP assessment for use by~~  
3 ~~pupils who are unable to access the computer-based version of the~~  
4 ~~assessment for a maximum of three years after a new operational~~  
5 ~~test is first administered.~~

6     ~~(f) (1) From the funds available for that purpose, each local~~  
7 ~~educational agency shall administer assessments to each of its~~  
8 ~~pupils pursuant to subdivision (b). As allowable by federal statute,~~  
9 ~~recently arrived English learner pupils are exempted from taking~~  
10 ~~the assessment in English language arts. The state board shall~~  
11 ~~establish a testing period to provide that all schools administer~~  
12 ~~these tests to pupils at approximately the same time during the~~  
13 ~~instructional year. The testing period established by the state board~~  
14 ~~shall take into consideration the need of local educational agencies~~  
15 ~~to provide makeup days for pupils who were absent during testing,~~  
16 ~~as well as the need to schedule testing on electronic computing~~  
17 ~~devices.~~

18     ~~(2) For the 2013–14 school year, each local educational agency~~  
19 ~~shall administer the field tests in a manner described by the~~  
20 ~~department in consultation with the president or executive director~~  
21 ~~of the state board. Additional participants in the field test beyond~~  
22 ~~the representative sample may be approved by the department, and~~  
23 ~~the department shall use existing contract savings to fund district~~  
24 ~~participation in one or more tests per participant. Funds for this~~  
25 ~~purpose shall be utilized to allow for maximum participation in~~  
26 ~~the field test across the state. To the extent savings in the current~~  
27 ~~contract are not available to fully fund this participation, the~~  
28 ~~department shall prorate available funds by test. Local educational~~  
29 ~~agencies shall bear any additional costs to administer these~~  
30 ~~assessments that are in excess of the contracted amount. With~~  
31 ~~approval of the state board and the Director of Finance, the~~  
32 ~~department shall amend the existing assessment contract to~~  
33 ~~accommodate field testing beyond the representative sample, and~~  
34 ~~to allow for special studies using information collected from the~~  
35 ~~field tests.~~

36     ~~(g) From the funds available for that purpose, each local~~  
37 ~~educational agency shall administer assessments as determined by~~  
38 ~~the state board pursuant to paragraph (5) of subdivision (c).~~

39     ~~(h) As feasible, the CAASPP field tests shall be conducted in~~  
40 ~~a manner that will minimize the testing burden on individual~~

1 schools. The CAASPP field tests shall not produce individual pupil  
2 scores unless it is determined that these scores are valid and  
3 reliable.

4 (i) The governing board of a school district may administer  
5 achievement tests in grades other than those required by this section  
6 as it deems appropriate.

7 (j) The governing board of a school district may administer a  
8 primary language assessment aligned to the English language arts  
9 standards adopted pursuant to Section 60605 to a pupil identified  
10 as limited English proficient enrolled in any of grades 2 to 11,  
11 inclusive, who either receives instruction in his or her primary  
12 language or has been enrolled in a school in the United States for  
13 less than 12 months until a subsequent primary language  
14 assessment aligned to the common core standards in English  
15 language arts adopted pursuant to Section 60605.8 is developed  
16 pursuant to paragraph (5) of subdivision (b). If the governing board  
17 of a school district chooses to administer this assessment, it shall  
18 notify the department in a manner determined by the department.

19 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United  
20 States Code, individuals with exceptional needs, as defined in  
21 Section 56026, shall be included in the testing requirement of  
22 subdivision (b) with appropriate accommodations in administration,  
23 where necessary, and those individuals with exceptional needs  
24 who are unable to participate in the testing, even with  
25 accommodations, shall be given an alternate assessment.

26 (l) (1) The Superintendent shall apportion funds appropriated  
27 for these purposes to local educational agencies to enable them to  
28 meet the requirements of subdivisions (b) and (c).

29 (A) For the CAASPP field tests administered in the 2013–14  
30 school year or later school years, the Superintendent shall apportion  
31 funds to local educational agencies if funds are specifically  
32 provided for this purpose in the annual Budget Act.

33 (B) The Superintendent shall apportion funds to local  
34 educational agencies to enable them to administer assessments  
35 used to satisfy the voluntary Early Assessment Program in the  
36 2013–14 school year pursuant to paragraph (4) of subdivision (b).

37 (2) The state board annually shall establish the amount of  
38 funding to be apportioned to local educational agencies for each  
39 test administered and annually shall establish the amount that each  
40 contractor shall be paid for each test administered under the

1 contracts required pursuant to Section 60643. The amounts to be  
2 paid to the contractors shall be determined by considering the cost  
3 estimates submitted by each contractor each September and the  
4 amount included in the annual Budget Act, and by making  
5 allowance for the estimated costs to school districts for compliance  
6 with the requirements of subdivisions (b) and (c). The state board  
7 shall take into account changes to local educational agency test  
8 administration activities under the CAASPP, including, but not  
9 limited to, the number, type of tests administered, and changes in  
10 computerized test registration and administration procedures, when  
11 establishing the amount of funding to be apportioned to local  
12 educational agencies for each test administered.

13 (3) ~~An adjustment to the amount of funding to be apportioned~~  
14 ~~per test shall not be valid without the approval of the Director of~~  
15 ~~Finance. A request for approval of an adjustment to the amount~~  
16 ~~of funding to be apportioned per test shall be submitted in writing~~  
17 ~~to the Director of Finance and the chairpersons of the fiscal~~  
18 ~~committees of both houses of the Legislature with accompanying~~  
19 ~~material justifying the proposed adjustment. The Director of~~  
20 ~~Finance is authorized to approve only those adjustments related~~  
21 ~~to activities required by statute. The Director of Finance shall~~  
22 ~~approve or disapprove the amount within 30 days of receipt of the~~  
23 ~~request and shall notify the chairpersons of the fiscal committees~~  
24 ~~of both houses of the Legislature of the decision.~~

25 (m) ~~For purposes of making the computations required by~~  
26 ~~Section 8 of Article XVI of the California Constitution, the~~  
27 ~~appropriation for the apportionments made pursuant to paragraph~~  
28 ~~(1) of subdivision (l), and the payments made to the contractors~~  
29 ~~under the contracts required pursuant to Section 60643 or~~  
30 ~~subparagraph (C) of paragraph (1) of subdivision (a) of Section~~  
31 ~~60605 between the department and the contractor, are "General~~  
32 ~~Fund revenues appropriated for school districts," as defined in~~  
33 ~~subdivision (e) of Section 41202, for the applicable fiscal year,~~  
34 ~~and included within the "total allocations to school districts and~~  
35 ~~community college districts from General Fund proceeds of taxes~~  
36 ~~appropriated pursuant to Article XIII B," as defined in subdivision~~  
37 ~~(e) of Section 41202, for that fiscal year.~~

38 (n) ~~As a condition to receiving an apportionment pursuant to~~  
39 ~~subdivision (l), a local educational agency shall report to the~~  
40 ~~Superintendent all of the following:~~

1     ~~(1) The pupils enrolled in the local educational agency in the~~  
2 ~~grades in which assessments were administered pursuant to~~  
3 ~~subdivisions (b) and (c).~~

4     ~~(2) The pupils to whom an achievement test was administered~~  
5 ~~pursuant to subdivisions (b) and (c) in the local educational agency.~~

6     ~~(3) The pupils in paragraph (1) who were exempted from the~~  
7 ~~test pursuant to this section.~~

8     ~~(o) The Superintendent and the state board are authorized and~~  
9 ~~encouraged to assist postsecondary educational institutions to use~~  
10 ~~the assessment results of the CAASPP, including, but not~~  
11 ~~necessarily limited to, the grade 11 consortium summative~~  
12 ~~assessments in English language arts and mathematics, for~~  
13 ~~academic credit, placement, or admissions processes.~~

14     ~~(p) Subject to the availability of funds in the annual Budget Act~~  
15 ~~for this purpose, and exclusive of the consortium assessments, the~~  
16 ~~Superintendent, with the approval of the state board, annually shall~~  
17 ~~release to the public test items from the achievement tests pursuant~~  
18 ~~to Section 60642.5 administered in previous years. Where feasible~~  
19 ~~and practicable, the minimum number of test items released per~~  
20 ~~year shall be equal to 25 percent of the total number of test items~~  
21 ~~on the test administered in the previous year.~~

22     ~~(q) On or before July 1, 2014, Sections 850 to 868, inclusive,~~  
23 ~~of Title 5 of the California Code of Regulations shall be revised~~  
24 ~~by the state board to conform to the changes made to this section~~  
25 ~~in the first year of the 2013–14 Regular Session. The state board~~  
26 ~~shall adopt initial regulations as emergency regulations to~~  
27 ~~immediately implement the CAASPP assessments, including, but~~  
28 ~~not necessarily limited to, the administration, scoring, and reporting~~  
29 ~~of the tests, as the adoption of emergency regulations is necessary~~  
30 ~~for the immediate preservation of the public peace, health, safety,~~  
31 ~~or general welfare within the meaning of Section 11346.1 of the~~  
32 ~~Government Code. The emergency regulations shall be followed~~  
33 ~~by the adoption of permanent regulations, in accordance with the~~  
34 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~  
35 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~  
36 ~~Code).~~

37     ~~SEC. 24.~~

38     ~~SEC. 23.~~ Section 60641 of the Education Code is amended to  
39 read:



1     60641. (a) The department shall ensure that local educational  
2 agencies comply with each of the following requirements:

3     (1) The achievement tests provided for in Section 60640 are  
4 scheduled to be administered to all pupils, inclusive of pupils  
5 enrolled in charter schools and exclusive of pupils exempted  
6 pursuant to Section 60640, during the period prescribed in  
7 subdivision (b) of Section 60640.

8     (2) For assessments that produce valid individual pupil results,  
9 the individual results of each pupil tested pursuant to Section 60640  
10 shall be reported, in writing, to the parent or guardian of the pupil.  
11 The report shall include a clear explanation of the purpose of the  
12 test, the score of the pupil, and the intended use by the local  
13 educational agency of the test score. This subdivision does not  
14 require teachers or other local educational agency personnel to  
15 prepare individualized explanations of the test score of each pupil.  
16 It is the intent of the Legislature that nothing in this section shall  
17 preclude a school or school district from meeting the reporting  
18 requirement by the use of electronic media formats that secure the  
19 confidentiality of the pupil and the pupil's results. State agencies  
20 or local educational agencies shall not use a comparison resulting  
21 from the scores and results of the California Assessment of Student  
22 Performance and Progress (CAASPP) assessments and the  
23 assessment scores and results from assessments that measured  
24 previously adopted content standards.

25     (3) (A) For assessments that produce valid individual pupil  
26 results, the individual results of each pupil tested pursuant to  
27 Section 60640 also shall be reported to the school and teachers of  
28 a pupil. The local educational agency shall include the test results  
29 of a pupil in his or her pupil records. However, except as provided  
30 in this section and Section 60607, personally identifiable pupil test  
31 results only may be released with the permission of either the  
32 pupil's parent or guardian if the pupil is a minor, or the pupil if  
33 the pupil has reached the age of majority or is emancipated.

34     (B) Notwithstanding subparagraph (A) and pursuant to  
35 subdivision (c) of Section 60607, a pupil or his or her parent or  
36 guardian may authorize the release of individual pupil results to a  
37 postsecondary educational institution for the purpose of credit,  
38 placement, determination of readiness for college-level coursework,  
39 or admission.

(4) The districtwide, school-level, and grade-level results of the CAASPP in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting.

(b) The state board shall adopt regulations that outline a calendar for delivery and receipt of summative assessment results at the pupil, school, grade, district, county, and state levels. The calendar shall include delivery dates to the department and to local educational agencies. The calendar for delivery shall provide for the timely return of assessment results, and consider the amount of paper-and-pencil administered assessments and number of items requiring hand scoring. The calendar shall also ensure that individual assessment results are reported to local educational agencies within eight weeks of receipt by the contractor for scoring.

(c) Aggregated, disaggregated, or group scores or reports that include the results of the CAASPP assessments, inclusive of the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results. Exclusive of the reports developed pursuant to Section 60630, in no case shall any group score or report be displayed that would deliberately or inadvertently make the score or performance of any individual pupil or teacher identifiable.

(d) The department shall ensure that pupils in grade 11, or parents or legal guardians of those pupils, may request results from grade 11 assessments administered as part of the CAASPP for the purpose of determining credit, placement, or readiness for college-level coursework be released to a postsecondary educational institution.

~~SEC. 25.~~

*SEC. 24.* Section 60643 of the Education Code is amended to read:

1     60643. (a) Notwithstanding any other law, the contractor or  
2 contractors of the achievement tests provided for in Section 60640  
3 shall comply with all of the conditions and requirements of the  
4 contract to the satisfaction of the Superintendent and the state  
5 board.

6     (b) (1) The department shall develop, and the Superintendent  
7 and the state board shall approve, a contract or contracts to be  
8 entered into with a contractor in connection with the test provided  
9 for in Section 60640. The department may develop the contract  
10 through negotiations. In approving a contract amendment to the  
11 contract authorized pursuant to this section, the department, in  
12 consultation with the state board, may make material amendments  
13 to the contract that do not increase the contract cost. Contract  
14 amendments that increase contract costs may only be made with  
15 the approval of the department, the state board, and the Department  
16 of Finance.

17     (2) For purposes of the contracts authorized pursuant to this  
18 subdivision, the department is exempt from the requirements of  
19 Part 2 (commencing with Section 10100) of Division 2 of the  
20 Public Contract Code and from the requirements of Article 6  
21 (commencing with Section 999) of Chapter 6 of Division 4 of the  
22 Military and Veterans Code. The department shall use a  
23 competitive and open process utilizing standardized scoring criteria  
24 through which to select a potential administration contractor or  
25 contractors for recommendation to the state board for consideration.  
26 The state board shall consider each of the following criteria:

27     (A) The ability of the contractor to produce valid and reliable  
28 scores.

29     (B) The ability of the contractor to report accurate results in a  
30 timely fashion.

31     (C) Exclusive of the consortium assessments, the ability of the  
32 contractor to ensure technical adequacy of the tests, inclusive of  
33 the alignment between the California Assessment of Student  
34 Performance and Progress tests and the state-adopted content  
35 standards.

36     (D) The cost of the assessment system.

37     (E) The ability and proposed procedures to ensure the security  
38 and integrity of the assessment system.

39     (F) The experience of the contractor in successfully conducting  
40 statewide testing programs in other states.

(3) The contracts shall include provisions for progress payments to the contractor for work performed or costs incurred in the performance of the contract. Not less than 10 percent of the amount budgeted for each separate and distinct component task provided for in each contract shall be withheld pending final completion of all component tasks by that contractor. The total amount withheld pending final completion shall not exceed 10 percent of the total contract price for that fiscal year.

(4) The contracts shall require liquidated damages to be paid by the contractor in the amount of up to 10 percent of the total cost of the contract for any component task that the contractor through its own fault or that of its subcontractors fails to substantially perform by the date specified in the agreement.

(5) The contracts shall establish the process and criteria by which the successful completion of each component task shall be recommended by the department and approved by the state board.

(6) The contractors shall submit, as part of the contract negotiation process, a proposed budget and invoice schedule, that includes a detailed listing of the costs for each component task and the expected date of the invoice for each completed component task.

(7) The contract or contracts subject to approval by the Superintendent and the state board under paragraph (1) and exempt under paragraph (2) shall specify the following component tasks, as applicable, that are separate and distinct:

(A) Development of new tests or test items.

(B) Test materials production or publication.

(C) Delivery or electronic distribution of test materials to local educational agencies.

(D) Test processing, scoring, and analyses.

(E) Reporting of test results to the local educational agencies, including, but not necessarily limited to, all reports specified in this section.

(F) Reporting of valid and reliable test results to the department, including, but not necessarily limited to, the following electronic files:

(i) Scores aggregated statewide, and by county, school district, school, and grade.

(ii) Disaggregated scores based on English proficiency status, gender, ethnicity, socioeconomic disadvantage, foster care status, and special education designation.

(G) All other analyses or reports required by the Superintendent to meet the requirements of state and federal law and set forth in the agreement.

(H) Technology services to support the activities listed in subparagraphs (A) to (G), inclusive.

(I) Perform regular performance checks and load simulations to ensure the integrity and robustness of the technology system used to support the activities listed in subparagraphs (A) to (G), inclusive.

~~SEC. 26.~~

SEC. 25. Section 60643.6 of the Education Code is amended to read:

60643.6. A local educational agency shall be reimbursed by the contractor selected pursuant to this article for any unexpected expenses incurred due to scheduling changes that resulted from the late delivery of testing materials in connection with the California Assessment of Student Performance and Progress.

~~SEC. 27.~~

SEC. 26. Section 60648 of the Education Code is amended to read:

60648. Exclusive of consortium summative assessments, the Superintendent shall recommend, and the state board shall adopt, performance standards on the California Assessment of Student Performance and Progress summative tests administered pursuant to this article. The performance levels shall identify and establish the minimum performance required for meeting a particular achievement level expectation. Once adopted, these standards shall be reviewed by the state board every five years to determine whether adjustments are necessary.

~~SEC. 28.~~

SEC. 27. Section 60810 of the Education Code, as amended by Section 5 of Chapter 478 of the Statutes of 2013, is amended to read:

60810. (a) (1) The Superintendent shall review existing tests that assess the English language development of pupils whose primary language is a language other than English. The tests shall include, but not be limited to, an assessment of achievement of

1 these pupils in English reading, speaking, and written skills. The  
2 Superintendent shall determine which tests, if any, meet the  
3 requirements of subdivisions (b) and (c). If any existing test or  
4 series of tests meets these criteria, the Superintendent, with  
5 approval of the state board, shall report to the Legislature on its  
6 findings and recommendations.

7 (2) If no suitable test exists, the Superintendent shall explore  
8 the option of a collaborative effort with other states to develop a  
9 test or series of tests and share test development costs. If no suitable  
10 test exists, the Superintendent, with approval of the state board,  
11 may contract to develop a test or series of tests that meets the  
12 criteria of subdivisions (b) and (c) or may contract to modify an  
13 existing test or series of tests so that it will meet the requirements  
14 of subdivisions (b) and (c).

15 (3) The Superintendent and the state board shall release a request  
16 for proposals for the development of the test or series of tests  
17 required by this subdivision. The state board shall select a  
18 contractor or contractors for the development of the test or series  
19 of tests required by this subdivision, to be available for  
20 administration during the 2000–01 school year.

21 (4) The Superintendent shall apportion funds appropriated to  
22 enable school districts to meet the requirements of subdivision (d).  
23 The state board shall establish the amount of funding to be  
24 apportioned per test administered, based on a review of the cost  
25 per test.

26 (5) An adjustment to the amount of funding to be apportioned  
27 per test is not valid without the approval of the Director of Finance.  
28 A request for approval of an adjustment to the amount of funding  
29 to be apportioned per test shall be submitted in writing to the  
30 Director of Finance and the chairpersons of the fiscal committees  
31 of both houses of the Legislature with accompanying material  
32 justifying the proposed adjustment. The Director of Finance is  
33 authorized to approve only those adjustments related to activities  
34 required by statute. The Director of Finance shall approve or  
35 disapprove the amount within 30 days of receipt of the request and  
36 shall notify the chairpersons of the fiscal committees of both houses  
37 of the Legislature of the decision.

38 (b) (1) The test or series of tests developed or acquired pursuant  
39 to subdivision (a) shall have sufficient range to assess pupils in  
40 grades 2 to 12, inclusive, in English listening, speaking, reading,

1 and writing skills. Pupils in kindergarten and grade 1 shall be  
2 assessed in English listening and speaking, and, once an assessment  
3 is developed, early literacy skills. The early literacy assessment  
4 shall be administered for a period of four years beginning after the  
5 initial administration of the assessment or until July 1, 2017,  
6 whichever occurs last. Six months after the three administered  
7 assessments are collected, but no later than June 30, 2013, the  
8 department shall report to the Legislature on the administration of  
9 the kindergarten and grade 1 early literacy assessment results, as  
10 well as on the administrative process, in order to determine whether  
11 reauthorization of the early literacy assessment is appropriate.

12 (2) In the development and administration of the assessment  
13 for pupils in kindergarten and grade 1, the department shall  
14 minimize any additional assessment time, to the extent possible.  
15 To the extent that it is technically possible, items that are used to  
16 assess listening and speaking shall be used to measure early literacy  
17 skills. The department shall ensure that the test and procedures for  
18 its administration are age and developmentally appropriate. Age  
19 and developmentally appropriate procedures for administration  
20 may include, but are not limited to, one-on-one administration, a  
21 small group setting, and orally responding or circling a response  
22 to a question.

23 (c) The test or series of tests shall meet all of the following  
24 requirements:

25 (1) Provide sufficient information about pupils at each grade  
26 level to determine levels of proficiency ranging from no English  
27 proficiency to fluent English proficiency with at least two  
28 intermediate levels.

29 (2) Have psychometric properties of reliability and validity  
30 deemed adequate by technical experts.

31 (3) Be capable of administration to pupils with any primary  
32 language other than English.

33 (4) Be capable of administration by classroom teachers.

34 (5) Yield scores that allow comparison of the growth of a pupil  
35 over time, can be tied to readiness for various instructional options,  
36 and can be aggregated for use in the evaluation of program  
37 effectiveness.

38 (6) Not discriminate on the basis of race, ethnicity, or gender.

39 (7) Be aligned with the standards for English language  
40 development adopted by the state board pursuant to Section 60811.

1 (8) Be age and developmentally appropriate for pupils.

2 (d) The test shall be used for the following purposes:

3 (1) To identify pupils who are limited English proficient.

4 (2) To determine the level of English language proficiency of  
5 pupils who are limited English proficient.

6 (3) To assess the progress of limited-English-proficient pupils  
7 in acquiring the skills of listening, reading, speaking, and writing  
8 in English.

9 (e) (1) A pupil in any of grades 3 to 12, inclusive, shall not be  
10 required to retake those portions of the test that measure English  
11 language skills for which he or she has previously tested as  
12 advanced within each appropriate grade span, as determined by  
13 the department in accordance with paragraph (8) of subdivision  
14 (c).

15 (2) Notwithstanding paragraph (1), a pupil in any of grades 10  
16 to 12, inclusive, shall not be required to retake those portions of  
17 the test that measure English language skills for which he or she  
18 has previously tested as early advanced or advanced.

19 (3) This subdivision shall not be implemented until the test  
20 publisher's contract that is in effect on January 1, 2012, expires.

21 (4) This subdivision shall not be implemented unless and until  
22 the department receives written documentation from the United  
23 States Department of Education that implementation is permitted  
24 by federal law.

25 (f) This section shall remain in effect only until the  
26 Superintendent reports to the appropriate policy committees of the  
27 Legislature pursuant to paragraph (2) of subdivision (h) of Section  
28 60810 as added by the chapter that added this subdivision during  
29 the 2013–14 Regular Session, and as of January 1 of the following  
30 year, this section is repealed.

31 ~~SEC. 29.~~

32 *SEC. 28.* If the Commission on State Mandates determines that  
33 this act contains costs mandated by the state, reimbursement to  
34 local agencies and school districts for those costs shall be made  
35 pursuant to Part 7 (commencing with Section 17500) of Division  
36 4 of Title 2 of the Government Code.